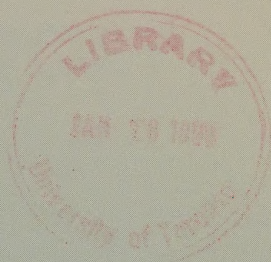


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# FEDERAL REGULATORY PLAN



## 1995

A guide to  
planned regulatory  
initiatives



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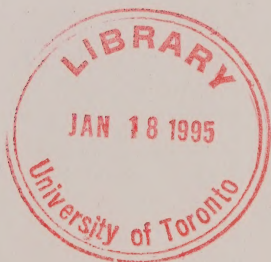
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# **FEDERAL REGULATORY PLAN**

## **1995**

**A guide to  
planned regulatory  
initiatives**



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The Federal Regulatory Plan and other publications are available in English and French in the Info Source database.

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## *Message from the President of the Treasury Board*

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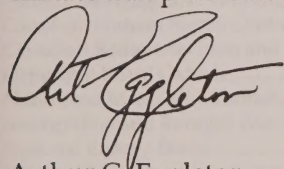
The 1995 *Federal Regulatory Plan* brings together all the regulatory proposals of the federal government. Having this information in advance gives you the opportunity to make your views known to us before the government brings in a new regulation or amends one already on the books.

But useful as this Plan is, it illustrates the complexity of our current regulatory structure.

Regulations touch every part of our lives and help maintain Canada's excellent standards of health, safety and environmental protection. Yet the regulatory system does not always add to Canadians' quality of life. In some cases, it can delay products consumers want and need, create unintended barriers to innovation or hamper businesses competing in today's global marketplace. In others, it may not provide all the protection Canadians require.

Canadians need regulations that make sense. By improving the way the federal government regulates, we can help create the jobs and growth in the economy -- the central concern of this government -- that will benefit all of us. Steps are being announced now that detail a number of regulatory reform initiatives that this government will pursue. This program of change will lead to more cost-effective administration of regulations, and to greater compliance.

I hope you find the *Federal Regulatory Plan* beneficial and that you will make your views known on the plans it outlines. With your help, we can create a regulatory climate that puts Canada on track for economic renewal.

A handwritten signature in dark ink, appearing to read 'Art Eggleton', with a stylized, flowing script.

Arthur C. Eggleton





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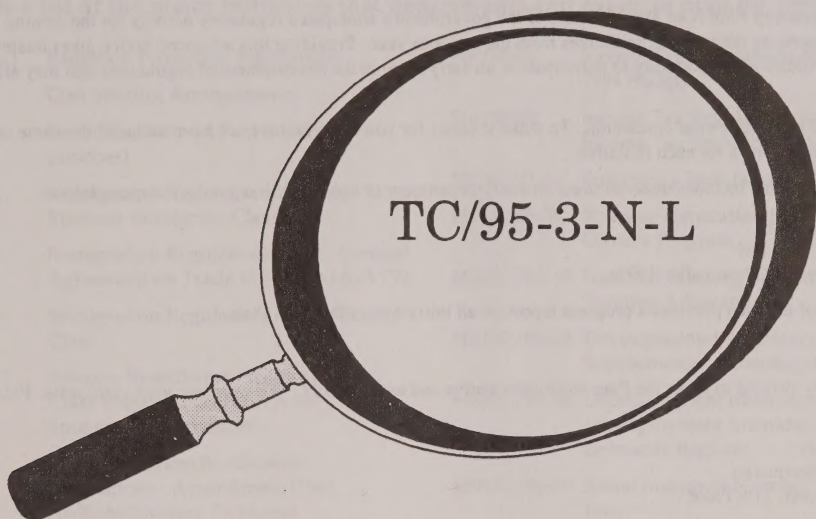
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## What do the numbers and letters mean?

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### Each proposal for 1995 has a five-part descriptive code.

TC/ 95-3-N-L

The first part is the abbreviation of the department or agency responsible for the initiative (e.g., TC for Transport Canada).

TC/ 95 -3-N-L

The second part indicates the first year that the initiative appeared in the Federal Regulatory Plan as a proposal to be implemented during the year. This is our first year in numbering proposals this way, therefore all read 1995.

TC/95- 3 -N-L

The third part is represented by a project number, that is, each department and agency numbers its projects in sequential order.

TC/95-3- N -L

The fourth part indicates the status of the initiative: new (N), old (O) or recurring (R). A recurring initiative is one that for one reason or another appears every year.

TC/95-3-N- L

The last part is a letter that indicates the anticipated costs to Canada of the initiative: low-cost (L), intermediate-cost (I), or major (M). Proposals that end with "?" indicate that the department or agency was unsure on how to classify the cost of the initiative.

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# *What's in the Plan*

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## **THE 1995 PLAN**

The *Federal Regulatory Plan* is an annual listing of the government's anticipated regulatory activity for the coming year. The Plan also reports on the status of initiatives from the previous year. Providing this advanced notice gives interested groups and individuals the opportunity to participate at an early stage in the development of regulations that may affect them.

We welcome and encourage your comments. To make it easier for you to participate, we have included the name and phone number of a contact person for each initiative.

The first part of the Plan includes three sections on every department or agency with regulatory responsibilities:

- general information;
- proposals for 1995; and
- proposals to be put forward after 1995.

The second part of the Plan provides a progress report on all initiatives in the 1994 Plan.

## **FEEDBACK**

We are constantly striving to make the Plan more informative and user friendly. We welcome your comments. Please contact us at:

Regulatory Affairs  
Treasury Board Secretariat  
140 O'Connor Street, 11th Floor  
Ottawa, Ontario  
K1A 0R5  
Tel: (613) 952-3459  
Fax (613) 957-7875

## **ABOUT THE SUBJECT INDEX**

The Subject Index starting on page 321 allows you to easily find regulatory initiatives by subject. The subject headings are sorted alphabetically. Many headings are sub-divided. The sub-headings let you pinpoint exactly the information you want. For example, if you are looking for all of the regulatory information regarding airports, find the heading in the index for AIRPORTS. If you are only looking for regulations affecting fire fighting services at airports, find the heading for AIRPORTS and then find the sub-heading for FIREFIGHTING SERVICES.



# Major Initiatives

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**Below is a list of the major initiatives that departments and agencies plan for 1995.**

AECB/95-1	Radiation Protection Regulations	Fin/95-31	Income Tax Regulations Relating to the 1994 Budget
Agr/95-1	Cost-Sharing Arrangements	Fin/95-32	Income Tax Regulations Relating to Income Tax Technical Amendments
Agr/95-2	Seeds Regulations, Part II (seed potatoes)	HCan/95-31	Emergency Regulations
CIC/95-3	Immigration Regulations, 1978 - Business Immigrant Classes	HCan/95-39	Revenue Generation for the Medical Devices Program
CIC/95-8	Immigration Regulations, 1978 - General Agreement on Trade in Services (GATT)	HRDC/95-17	National Training Regulations - Rate of Training Allowances
CIC/95-9	Immigration Regulations, 1978 - Family Class	HRDC/95-18	Developmental Assistance - Supplementary Training Allowances
CIC/95-12	Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions	HRDC/95-28	Unemployment Insurance Regulations - Unemployment Insurance (UI) Economic Regions
EC/95-9	New Substances Notification Regulations - Amendment (Part III-Biotechnology Products)	HRDC/95-29	Social Insurance Number (SIN) Card Fees
EC/95-11	Ozone-Depleting Substances-Amendment to Control Hydrochlorofluorocarbons (HCFCs)	HRDC/95-33	Rules concerning years of residence in Canada
EC/95-22	Procedural Regulations	INAC/95-9	Mining Land Use
EC/95-23	Indian Reserve Lands/Indian Band Funding	Jus/95-10	Conditions for Holdbacks
EC/95-24	Crown Corporations and Harbour Commissions	NTA/95-1	Air Fares in Large Aircraft for Attendants of Persons with Disabilities Accessibility Standards - Persons with Disabilities -Marine Transportation Equipment
FAIT/95-5	Regulations to implement agreements reached under the General Agreement on Tariffs and Trade in the Uruguay Round of Multilateral Trade Negotiations	NTA/95-15	Annual Rate Scale Order For Western Grain, 1995-96
Fin/95-4	Tariff Treatment - Rules of Origin	OCEO/95-1	Tariffs of Fees
Fin/95-23	Resource Allowance	OSFI/95-1	Financial Sector Reform
Fin/95-27	Income Tax Regulations Relating to Life Insurance Companies and their Products	TC/95-1	Fees for Aviation Regulatory Services
Fin/95-29	Scientific Research and Experimental Development (SR&ED)	TC/95-2	Fees for Marine Regulatory Services
		TC/95-3	Air Services Charges
		TC/95-66	Motor Vehicle Safety Regulations, Standards 1101, 1103 and 1105: Emissions



# Agriculture and Agri-Food Canada

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# General Information

## Roles and Responsibilities

The department is responsible for developing and implementing policies and programs conducive to the development of business opportunities in the agri-food sector, while at the same time assuring a dependable supply of safe and nutritious food at reasonable prices to consumers and equitable returns to producers and processors. Programs are established and maintained for the benefit of the agri-food sector, as well as for regional and international development. In addition, the department attempts to enhance programs within the overall framework of federal government policies, priorities and commitments in the areas of socio-economic development, emergency situations and international relations.

In fulfilling its role, the department is responsible to three principal client groups: consumers; producers; and processors, distributors, wholesalers and retailers.

The department's objective is to provide a stable economic environment for sound business decisions by Canadian agricultural producers. The safety, quality and marketability of agri-food products are important priorities of the department. Emphasis has also been placed on income stabilization programs and program measures to assist in the financial and credit needs of agricultural operations.

## Legislative Mandate

The following act are administered by the Minister of Agriculture and Agri-Food:

- Advance Payments for Crops Act
- Agricultural Products Board Act
- Agricultural Products Cooperative Marketing Act
- Agricultural Products Marketing Act
- Animal Pedigree Act
- Appropriation Acts \*
- Canada Agricultural Products Act
- Canada Grain Act
- Canadian Dairy Commission Act
- Canadian Wheat Board Act
- Criminal Code \*
- Department of Agriculture Act
- Experimental Farm Stations Act
- Farm Credit Act
- Farm Debt Review Act
- Farm Improvement and Marketing Cooperatives Loans Act
- Farm Improvement Loans Act
- Farm Income Protection Act

- Farm Products Agencies Act
- Farm Syndicates Credit Act
- Feeds Act
- Fertilizers Act
- Financial Administration Act \*
- Grain Futures Act
- Hay and Straw Inspection Act
- Health of Animals Act
- Livestock and Livestock Products Act
- Livestock Feed Assistance Act
- Meat Import Act
- Meat Inspection Act
- Pest Control Products Act
- Pesticide Residue Compensation Act
- Plant Breeders' Rights Act
- Plant Protection Act
- Prairie Farm Rehabilitation Act
- Prairie Grain Advancement Payments Act
- Seeds Act

\* Acts that are not administered by Agriculture and Agri-Food Canada, but which have one or more regulations that are.

## OVERVIEW OF REGULATORY TRENDS

The department continues to work towards less intrusive regulation that allows for greater industry self-reliance. Other changes will encourage more flexibility in the marketplace by removing various regulatory barriers.

### Keeping food safe and protecting against animal disease and plant pests

In terms of food inspection and programs that prevent the introduction of significant animal diseases and plant pests, regulations play important roles in giving Canadians one of the best inspection and quarantine systems in the world. Canada's reputation for safe food and disease-free animal and plant products cannot be maintained simply by continuing to regulate within the current framework. Effectiveness depends upon responding to a number of forces of change:

- the trend towards international regulatory standards and greater vigilance about inspecting agrifood imports;
- changing economics;
- improved detection, grading and testing methods;
- fiscal realities that encourage more effective and efficient government;
- public concerns for food safety and the environment; and
- a changing population and changing diets, which also mean new food risks.

The interplay of these forces, along with fiscal pressures, will make change inevitable for Food Production and Inspection Branch, where a large number of regulatory changes for the department will occur. These changes are significant, and are outlined as follows:

### **Financial reality**

The Food Production and Inspection Branch, which administers many of the department's regulations, will have its budget progressively reduced by at least \$44 million by 1998. The financial impacts are being felt now and need to be dealt with through cost recovery and cost reduction, and by streamlining program reform.

The coincidence of these financial pressures and new inspection technologies provide opportunities to work with industry to improve service and lower costs through redesigning programs. The process of change began with the 1992 Regulatory Review.

### **How we do business**

Although the basic regulatory and food inspection missions are not changing, *how* they are carried out will change. To bring about change, the department is consulting industry to:

- identify the services industry values most;
- identify gaps in service;
- determine how to become more efficient; and
- determine those services that primarily benefit business rather than public safety or health.

### **Alternatives**

The department's approach to change is flexible. Any alternative can be considered so long as it maintains the integrity of the inspection systems, the marketability of industry's products and the confidence of consumers, and allows government to meet its obligations to the public. The mix of options could include:

- sharing costs;
- redesigning programs to make use of new technologies;
- streamlining government operations; and
- establishing alternative service delivery arrangements such as accreditation, privatization, joint-delivery, etc.

### **Principles of change**

While the Food Production and Inspection Branch must change the way it does business, any changes must respect these principles:

- maintain standards for health and safety and disease control;
- provide a level playing field and be sensitive to industry's need to remain competitive;
- meet international trade obligations;
- reduce the cost to the taxpayer; and
- keep industry on the leading edge of technology.

### **Policy directions**

Under the Food Production and Inspection Branch's Alignment Plan, the branch has begun to implement these policy directions through a number of initiatives.

**User fees:** Negotiations with the red meat, poultry and import sectors began earlier this year. Some sectors of industry already share the costs of inspection services. In other cases, services are free at a time when government and the taxpayer do not have the funds to support them adequately without industry – the beneficiary – paying its fair share.

**Reduction of overlap and duplication:** Pilot studies under the "inverted pyramid project" are taking place in a number of provinces to assess the feasibility of offering inspection services from different levels of government through a single office.

**Canadian Food Inspection System:** The department plans to work with Health Canada and the provinces to better use federal, provincial and municipal inspection resources under uniform national standards.

**Food Safety Enhancement Program (FSEP):** There is a movement away from visual inspection and towards scientific risk management-based systems such as Hazard Analysis and Critical Control Point (HACCP) inspection.

**Enhancement of import operations:** To ensure greater compliance with Canadian standards and focus service at the border points where most of the trade occurs, the Food Production and Inspection Branch is working in close cooperation with Revenue Canada to improve services for imports.

**Pesticide review implementation:** Revising the regulatory system would make it more efficient and timely.

**Enforcement:** Developing a regulatory system for monetary penalties for noncompliance with regulations would improve enforcement by creating a simpler, more cost-effective system.

**Single window service:** The department is considering introducing single-window service for labelling.

**Disease compensation fund:** The department may promote industry-based insurance funds for plant and animal disease control.

**Biotechnology:** Agriculture and Agri-Food Canada will help develop a federal framework for regulating biotechnology products.

**Consolidation:** The department has consolidated National Capital Region offices into one location.

Together, these initiatives form the context for the majority of regulatory initiatives listed in the following pages.

## Initiatives for 1995

Agr/95-1-N-M

### Cost-Sharing Arrangements

- Dairy Products Regulations
- Egg Regulations
- Feeds Regulations
- Fertilizers Regulations
- Health of Animals Regulations
- Licensing and Arbitration Regulations
- Livestock Carcass Grading Regulations
- Meat Inspection Regulations
- Organic Food Production Regulations
- Pest Control Products Regulations
- Plant Breeders' Rights Regulations
- Plant Protection Regulations
- Seeds Regulations

The Food Production and Inspection Branch (FPIB) is committed to moving existing program approaches towards one that uses market forces to determine the value of each service to industry and industry's need for each service. This initiative reflects the business directions for inspection and regulatory services outlined in the FPIB Business Plan and the recommendations of the 1992 Departmental Regulatory Review. The cost-sharing principle is one of the alternative business arrangements identified in these documents. FPIB must implement new ways of carrying out business in order to maintain the integrity of Canada's food inspection and regulatory system.

Generating revenue through cost-sharing mechanisms will help the Branch offset future resource reductions so that it can adequately maintain the level of inspection and regulatory services required to ensure health, safety and international trade. This action is consistent with the direction being taken by Canada's major trading partners who have already introduced

cost-sharing mechanisms for many regulatory activities.

Along with cost-sharing mechanisms, the government is also considering redesigning programs to make use of new technologies, streamlining government operations, and establishing alternative service delivery arrangements including joint program delivery, accreditation of outside agencies and privatization. Program policies and procedures will be made more uniform.

Fiscal realities dictate that FPIB's appropriations from Parliament will have to fall by at least \$44 million by 1998. The goal for the 1994-95 fiscal year is a reduction of approximately \$9 million.

Because industries differ, FPIB will proceed with a flexible approach. FPIB will negotiate with each sector separately to assess how best to meet the needs of industry while permitting government to meet its obligations to the public.

FBIB must change the way it does business. However, any changes implemented will respect the FPIB principles of maintaining standards for health and safety and disease control, meeting international trade obligations, reducing costs to taxpayers, keeping industry on the forefront of technology and allowing industry to remain competitive by providing a level playing field.

To address both future program policies and potential cost-sharing approaches, the Branch is assessing its activities along six functional lines: registration, overtime, label review, certification, grading and laboratories. Consultation on these activities will take place with respect to the following FPIB programs: meat hygiene (red meat and poultry); animal and plant health; fresh and processed fruit and vegetables; seed; pesticides; egg and processed egg; dairy; feed; and fertilizer.

**Legal Authority:** Cost-sharing mechanisms will be implemented under the appropriate regulations stated above.

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Wayne Morris, Director, Operations Policies Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.



Agr/95-2-N-M

## **Seeds Regulations, Part II (seed potatoes)**

These amendments will introduce cost-recovery measures for some laboratory tests carried out by federal government laboratories as part of seed potato certification. This testing helps seed potato growers maintain high-quality, disease-tested stock, which in turn aids producers of potatoes destined for processing plants or table stock markets. Testing carried out at the present time is done at no cost to the seed potato growers.

To make the timing of the testing for Bacterial Ring Rot, a serious potato disease, more flexible, the Branch will allow seed potato growers to collect and submit potato stems prior to harvest, or to submit harvested potato tubers. By knowing disease status prior to harvest, growers will be able to make better management decisions concerning timing of harvest and marketing.

Since Canada's import requirements were amended to ensure that seed potatoes were tested prior to importation into Canada, the requirement for testing by a Canadian government official after importation can be changed.

Potato production practices continue to change and incorporate technological advances. Amendments to the Regulations will permit more flexible production practices while maintaining the strict disease standards in place for early-generation seed potato lots. Producers have also proposed making post-harvest testing a mandatory part of the certification program to improve disease standards in Canadian seed potato lots.

Due to the rapid changes in production technology and the increased emphasis on potato breeding, both in Canada and abroad, certification of non-registered seed potato varieties should be facilitated. The Regulations will no longer require that only registered varieties can be officially inspected and traded as seed potatoes.

These changes will introduce flexibility and a measure of fiscal responsibility to the production of seed potatoes. They will increase costs for those producers continuing to grow seed; however, they may result in a more distinct difference in price between seed and fresh potatoes, which is to the advantage of dedicated seed potato producers.

This is joint departmental/industry initiative.

**Legal Authority:** Seeds Act; Seeds Regulations, Part II

**Status:** A significant proportion of this initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** R. Bast-Tjeerde, Head, National Potato Bureau, Plant Protection Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 991-9105.

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Agr/95-3-O-L

## **Dairy Products Pasteurization Standards**

The Canadian Milk Quality Standards Committee, a joint committee of Agriculture and Agri-Food Canada, Health Canada, the provincial departments of agriculture and the National Dairy Council, working under the auspices of the National Liaison Group on Milk Product Quality, identified a need for comprehensive, uniform, minimum standards for pasteurizers and pasteurization. The Dairy Products Regulations will be amended to include a reference to these new standards.

The intent of this proposal is to prescribe uniform national pasteurization standards for dairy products that are in harmony with provincial standards. The benefits will be regulatory uniformity, which will facilitate compliance, and enforcement of health and safety standards. This initiative is supported by the provincial departments of agriculture. No additional costs are foreseen. Information about this proposal will be published in an Agri-Food Information Letter, which will be sent to interested parties.

**Legal Authority:** Canada Agricultural Products Act, section 32

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-5.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

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Agr/95-4-O-L

## **Meat Inspection Regulations, 1990: Harmonization of Standards - Phosphate Salts**

The Food and Drug Regulations, administered by Health Canada, have been amended to allow for the use of phosphate salts in all prepared meat products for which a minimum meat protein content standard

applies. Phosphate salts, which are classed as food additives, enhance the organoleptic properties of meat products. Phosphate salts hold curing substances and water in products to which they are added. These food additives prevent the undesirable warmed-over flavour of reheated cooked meat and prevent the cook-out of moisture. The Meat Inspection Regulations, 1990 will be amended to reflect the changes made to the Food and Drug Regulations. Other minor changes of a housekeeping nature may also be necessary.

No substantial impact is anticipated since the requirement is already in effect under the Food and Drug Regulations. This amendment benefits the industry by recognizing long-standing practices of many of our trading partners and offers consumers a broader range of products from which to choose.

This initiative is based on a recommendation from industry.

**Legal Authority:** Meat Inspection Act, section 20

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-29.

**Contact:** Dr. Claude Boissonneault, Chief, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000, ext. 4676; Fax: (613) 998-0958.

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Agr/95-5-O-I

### **Initiatives Resulting from the Regulatory Review of the Food and Drug Regulations**

In 1993, a joint review of the Food and Drug Regulations was initiated by Health Canada and the Food Division of the former Consumer and Corporate Affairs Canada (CCAC) to discover ways to use government resources effectively; to reduce costs to government, industry and consumers; to examine the ratio of costs to benefits of the Regulations; and to ensure the Regulations do not impede industry competitiveness. The primary focuses of the review were health and safety, consumer protection and ways to minimize adverse impacts on Canadian competitiveness (and enhancing competitiveness, where possible). With the June 25, 1993 government reorganization, responsibility for the labelling provisions for food under the authority of the Food and Drug Regulations was transferred from CCAC to Agriculture and Agri-Food Canada.

Amendments to the Food and Drug Regulations will be proposed to reflect the outcome of the review relating to the economic fraud provisions. These amendments will include changes related to the packaging, labelling, advertising and sale of food in the following areas: revocation of obsolete regulations; amendments to ingredient labelling including exemptions to and content of the ingredient list (allergen labelling, processing aids, components, common names), durable life date, common names for foods, legibility of information, and country of origin for wine and brandy; and various other miscellaneous mandatory and optional labelling requirements.

The review identified areas where consumer information needs to be maintained or enhanced. In these areas, the benefits will surpass the potential costs to industry or consumers by reducing the health, safety and fraud risk resulting from a lack of information on the food label.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-49.

**Contact:** Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: (613) 952-8000, ext. 3795; Fax: (613) 952-7387.

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Agr/95-6-N-L

### **Dairy Products Regulatory Review**

The intent of this initiative is to rationalize and consolidate the standards for various kinds of cheese and for ice cream and other frozen dairy products. These changes were introduced during consultations under the 1992 Federal Regulatory Review and are supported by the National Dairy Council and the Dairy Farmers of Canada. This proposal is intended to make the changes identified by the Regulatory Review.

These amendments will simplify the Regulations by removing unnecessary product classifications that now exist for processed cheese products, and frozen dairy products and permit a more uniform, simplified product nomenclature. As a result, industry may be more willing to consider new product development and consumers may be offered a wider variety of products under a more uniform product nomenclature.



**Legal Authority:** Canada Agricultural Products Act, section 32

**Status:** This is a new initiative.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

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**Agr/95-7-N-L**

## **Fresh Fruit and Vegetable Regulatory Review**

The intent of the current initiative is to:

- revoke provisions that have become obsolete as a result of new business arrangements that the department has negotiated with the industry;
- update definitions;
- make administrative changes to the application and the health and safety parts;
- introduce regulations respecting grade names as federal trademarks;
- establish requirements for the use of grade names and remedies when produce fails to meet grade;
- deregulate labelling requirements for wholesale containers;
- harmonize import, export and interprovincial trade provisions with GATT; and
- remove non-essential health and safety requirements for registered produce warehouses.

These amendments would eliminate non-productive regulatory requirements (packaging, labelling, inspection and warehouse requirements), allowing the industry to compete with fewer constraints in the marketplace and with fewer and better regulations, which may result in some cost savings and lower consumer prices. They would also harmonize Canada's regulations with international agreements (i.e. CUSTA), which could encourage greater participation in the Canadian produce industry by both domestic and foreign producers and make it less likely that other countries would challenge Canadian standards as being non-tariff trade barriers.

**Legal Authority:** Canada Agricultural Products Act, section 32

**Status:** This is a new initiative.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food

Canada, 59 Camelot Drive Court, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

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**Agr/95-8-O-I**

## **Revision of Licensing and Arbitration Regulations**

The current Licensing and Arbitration Regulations were established in 1984 and were updated in 1989 pursuant to the Canada Agricultural Products Act of 1988. These regulations have undergone a government/industry review respecting the terms and conditions under which licenses may be issued and the operations of the Board of Arbitration. This proposal is intended to make the changes identified by the Regulatory Review.

The benefits of these amendments will be more effective regulation of the produce industry and operation of the Board of Arbitration in dispute settlement. The department anticipates that the revised regulations will result in additional costs. Funding arrangements will be implemented. Interested parties have been kept informed about this initiative through the national industry associations: the Canadian Horticultural Council and the Canadian Produce Marketing Association.

**Legal Authority:** Canada Agricultural Products Act, section 32

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-25.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

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**Agr/95-9-O-I**

## **Health of Animals Regulations - Regulatory Review**

This amendment implements the regulatory review recommendations relating to the disease control programs of the Health of Animals Regulations. The changes will update the Regulations to reflect current programs and to make the Regulations easier to understand.

The regulatory review recommendations included merging sections 79 to 79.2 of the Health of Animals Regulations and the Hatchery Regulations, since both are used to control poultry diseases. The merging of these two sets of regulations will make the regulations



affecting the hatchery industry easier to understand and remove the current duplication of wording. The Regulatory review also recommended updating sections 73 to 78.27 of the Health of Animals Regulations, which provide the power to eradicate bovine brucellosis and tuberculosis. The remaining sections will be amended to simplify them and to bring them into line with the requirements of current policy. Amendments will include captive wild ungulates in the eradication sections while removing the current movement controls from those animals that are now considered to be free of brucellosis and tuberculosis. Sections that deal with cleaning and disinfection of things exposed to disease (sections 104 to 109), and with livestock dealers and the keeping of records, will also be amended as recommended by the Regulatory Review. The list of reportable diseases will be amended to ensure it reflects our international obligations and that all the diseases are still important.

The Departmental Regulatory Review is responsible for initiating these amendments.

**Legal Authority:** Health of Animals Act, S.C. 1990, chapter 21

**Status:** Parts of this initiative appeared in the 1994 Regulatory Plan as AGR-17, 18 and 22.

**Contact:** Dr. Eric Broughton, A / Associate Director, Disease Control, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 990 6543.

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Ag/95-10-N-I

## **Health of Animals Regulations - Import - Animals**

This amendment will amend the regulatory requirements with respect to bluetongue for the importation of breeding cattle from the United States. The changes will recognize that Hawaii and Alaska are free from bluetongue and will allow breeding cattle to be imported under the same conditions as those currently set for feeder cattle during the period the state of origin is considered to be free from bluetongue. Section 20 of the Health of Animals Regulations will be amended to require certificates for all animals that might introduce diseases from the United States. The Regulations will also be amended to recognize certain countries as free of foot-and-mouth disease.

The breeding cattle changes will reduce the impact of the Regulations on cattle imported during the bluetongue-free periods. These changes will reduce the cost of importing cattle by decreasing the testing and removing the isolation period required by the current regulations. The overall impact of the regulatory review amendments will be to update the regulations dealing with the import of animals. The major impact would be to remove some of the regulatory requirements that interfere with trade, while still maximizing protection against the introduction of diseases that affect human health, or would have a severe economic impact on the animal industry if introduced into Canada.

The Canadian Cattlemen's Association is responsible for initiating the bluetongue amendments while the government initiated the regulatory review amendments.

**Legal Authority:** Health of Animals Act, S.C. 1990, chapter 21

**Status:** The breeding cattle changes are a new initiative while some amendments resulting from the Regulatory Review appeared in the 1994 Regulatory Plan as AGR-19.

**Contact:** Dr. W.J. McElheran, Chief, Import Animals and Quarantine, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-4334.

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Ag/95-11-O-L

## **Pest Control Products Regulations - Scheduling of Products for Use in Apiculture**

The purpose of this regulatory amendment is to exempt from registration, and regulate under the purview of Schedule II of the Pest Control Products Regulations, the use of formic acid and menthol by beekeepers for the detection and/or control of honey bee mite pests that have recently been found in Canada. This initiative responds to petitions made by the beekeeping industry to regulate formic acid and menthol so that the use of these products is in compliance with the Pest Control Products Act. The beekeeping industry is prepared to accept the level of efficacy of these products indicated by existing data. Formic acid is naturally found in honey, and formic acid and menthol are already used in applications such as food flavourings and are regulated under

other legislation. The proposed amendment will define specific conditions, including safe handling procedures, under which beekeepers will be permitted to use formic acid or menthol. These conditions have been developed in cooperation with the beekeeping industry, Health Canada and Environment Canada.

This initiative is based on a recommendation from the beekeeping industry and is consistent with the recommendations of the 1990 Pesticide Registration Review to continue the scheduling of these types of products.

**Legal Authority:** Pest Control Products Act, section 6(f)

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-39.

**Contact:** H. Amys, Associate Director, Regulatory Affairs, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-1622.

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Agr/95-12-O-L

### **Pest Control Products Regulations - Data Requirements Clarification**

The purpose of this regulatory amendment is to clarify in the Regulations the types of conditions where data may be required for evaluation. Agriculture and Agri-Food Canada has, for many years, required data to determine the safety, merit and value of pest control products. The proposed amendment will define specific conditions as requiring data e.g., formulations, residues, exposure and disposal. Clarification in this area will ensure that the generic data requirements are sufficiently comprehensive to accommodate all types of products to be regulated under the Pest Control Products Act and Regulations. According to the recommendations of the Pesticide Registration Review, the Regulations will list the criteria that all products must meet prior to registration, as well as the data requirements that registrants must submit to support an application for registration. The benefit will be a clear direction to all interested parties. No additional costs will result from this initiative. This initiative is based on the recommendations of the 1990 Pesticide Registration Review.

**Legal Authority:** Pest Control Products Act, section 6(b)

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-36.

**Contact:** H. Amys, Associate Director, Regulatory Affairs, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-1622.

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Agr/95-13-N-I

### **Administrative Monetary Penalty System Regulations**

The Food Production and Inspection Branch is proposing to introduce the Agriculture Administrative Monetary Penalty Act. The Act and its regulations will allow the Branch to propose monetary penalties up to \$15,000 for non-compliance with Branch regulations. This system will help the Branch respond to industry requests for more equitable enforcement of regulations, particularly between imported and domestic product.

The Regulations will outline the administrative monetary penalty system's procedures and proceedings, including the penalty matrices that officials will use to calculate monetary penalties, the procedure for entering into compliance agreements, and the options available to alleged contravenors.

The department will hold consultations with industry associations. Stakeholders will also be made aware of the department's plans through a notice in the *Canada Gazette*.

The system will cost approximately \$600,000 per year to implement with revenues of approximately \$320,000. The system will increase compliance with regulations, help create a level playing field for regulated parties, and will be a further step toward decriminalization of regulation violations.

These regulations are a recommendation from the Regulatory Review, and are a departmental initiative.

**Legal Authority:** Agriculture Administrative Monetary Penalty Act (proposed)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Reg Gatenby, Chief, Crisis Management and Legislation, Regulatory Affairs Division, FPI Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 995-8464.

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Agr/95-14-O-1

## **Health of Animals Regulations - Veterinary Biologics**

The amendment will require anyone who wishes to test a veterinary biologic made by the use of genetic engineering outside an establishment registered for testing veterinary biologics under the Health of Animals Regulations to notify the department and obtain a permit. The amendment will also address the requirements for field testing of those veterinary biologics and will provide adequate provisions for notification and assessment of safety.

The government initiated the Regulatory Review amendments.

**Legal Authority:** Health of Animals Act, S.C. 1990, chapter 21

**Status:** This initiative appeared in the 1994 Regulatory Plan as Agr-20.

**Contact:** Dr. M. Sethi, Veterinary Biologics and Biotechnology Section, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-8884.

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Agr/95-15-O-1

## **Seeds Regulations - Authorization of Field Testing**

The Seeds Regulations govern the testing, inspection, quality and sale of seed in Canada.

The relatively recent development of plant varieties using the tools of biotechnology has attracted attention to the possibility that varieties may pose a risk to the health of humans, animals or the environment. The purpose of these regulations is to provide a mechanism, based on a scientific, internationally accepted model of risk/value, for evaluating plants with novel traits prior to their release into the open environment.

Such a regime would confirm that new seed products are being properly evaluated before being widely distributed. This should assure citizens, the seed industry and our international trading partners that established standards will be met. Innovation in the seed industry will be encouraged, new products will become available and sustainable agricultural and environmental practices should be enhanced. The cost of subjecting varieties to a risk/value determination will be relatively minor compared to the potential

value of the products themselves. It is proposed that the developers of the new varieties should bear the full cost of this evaluation. This is a government initiative undertaken to assure that any risk to the public and the environment from modified varieties is minimized.

**Legal Authority:** Seeds Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-45.

**Contact:** Simon Barber, Chief, Plant Biotechnology Office, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

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Agr/95-16-N-1

## **Clarification of Field Testing Notification**

The Feeds Act provides legislative authority to regulate the manufacture, sale and importation into Canada of livestock feeds. In anticipation of increased activity in the production of feeds using various techniques of biotechnology, the associated regulations will be amended to clarify a mandatory notification procedure for such products that are to be tested in a contained or uncontained environment prior to clearance and/or registration as livestock feeds.

The proposed change will benefit all parties researching new products by clarifying the notification process.

**Legal Authority:** Feeds Act, section 5

**Status:** This is a new initiative.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

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Agr/95-17-O-1

## **Clarification of Field Testing Notification**

The Fertilizers Act provides legislative authority to regulate the sale and importation into Canada of fertilizers and supplements. In anticipation of increased activity in the production of supplements using various techniques of biotechnology, the associated regulations will be amended to clarify a notification procedure for such supplements.



Manufacturers of unregistered supplements will be required to notify Agriculture and Agri-Food Canada before testing under them uncontained (field) conditions so that an assessment of potential risks to plant, animal and human health and to the environment can be done.

The proposed change will benefit all parties researching new products by clarifying the notification process.

There will not be an increased requirement for government resources, and there will be no increase in the financial or regulatory burden on industry.

**Legal Authority:** Fertilizers Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-15.

**Contact:** S. Toluoso, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

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Agr/95-18-R-1

### **Protection for the Income of Dairy Producers Regulations 1994-95**

In 1986, Cabinet approved the long-term Dairy Policy authorizing direct subsidies to producers of industrial milk and cream on all domestic production. While this policy expired in 1991, Cabinet extended the provision for subsidies until a longer-term policy is developed.

Regulations provide for the authority to transfer funds, in respect of the protection of income of milk producers, to the Canadian Dairy Commission. Regulations are established on an annual basis. Without these regulations, the funding of the direct subsidy portion of the dairy program, approved by government, would contravene the government's commitment towards the dairy industry.

**Legal Authority:** Farm Income Protection Act, section 18(1)(b)

**Status:** This is a recurring initiative.

**Contact:** A.E. Proulx, Risk Management Development Division, Farm Income Policy and Programs Directorate, Policy Branch, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel.: (613) 957-7078; Fax: (613) 996-9014.

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Agr/95-19-O-1

### **Farm Improvement and Marketing Co-operatives Loans Regulations - Amendments**

The Farm Improvement and Marketing Co-operatives Loans Act (FIMCLA) was enacted in June 1987 and replaced the Farm Improvement Loans Act on February 1, 1988. The FIMCLA is designed to increase the availability of loans for the improvement and development of farms and for the processing, distribution or marketing of farm products by co-operative associations. After several years of operation, it has become apparent that certain sections of the Regulations will have to be deleted or amended to clarify the Act and Regulations, and to facilitate implementation.

Some lenders have expressed concern over the ambiguity of certain sections of the legislation and the related regulations and on the maximum interest rate allowable for fixed-rate loans. Other amendments have been suggested by the Standing Joint Committee for the Scrutiny of Regulations and by program managers.

It is anticipated that these amendments will clarify the intent of certain guidelines to be followed by lenders, and increase farmer use of the FIMCLA.

**Legal Authority:** Bill C-78, section 15

**Status:** This appeared in the 1994 Federal Regulatory Plan as AGR-8.

**Contact:** Ken Trudel, Legislated Marketing Programs Division, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel.: (613) 957-7078; Fax: (613) 996-2440.

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Agr/95-20-R-L

### **Pari-Mutuel Betting Supervision Regulations - Drug Schedule Additions**

Amendment of the drug schedule is a standing proposal in the Federal Regulatory Plan. The Canadian Pari-Mutuel Agency, in fulfilling its mandate to regulate all matters related to pari-mutuel betting on horse racing, maintains a schedule of prohibited substances, traces of which must not be detected in a post-race urine or blood sample obtained from a horse.

Health Canada approves new veterinary drugs for sale in Canada for therapeutic use in animals. Some

veterinary drugs are capable of influencing a racing horse's performance, and when they come onto the Canadian market, they are added to the schedule to the Pari-Mutuel Betting Supervision Regulations.

The Agency routinely consults with the government/industry Drug Advisory Committee, composed of equine veterinarians and racing chemists, when a drug is added to the schedule.

There are no additional costs to the racing industry, the Agency or the department, since the number of samples analyzed remains the same. The maintenance of an up-to-date schedule protects the betting public and the credibility of the Agency's drug control program.

**Legal Authority:** Criminal Code, section 204

**Status:** This is a recurring initiative.

**Contact:** Elizabeth Cleghorn, Executive Director, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel.: (613) 998-4922; Fax: (613) 952-7466.

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**Agr/95-21-R-I**

### **Canada Grain Regulations - Fees of the Commission**

The fees of the Canadian Grain Commission prescribed in Schedule I to the Regulations will be adjusted in order to realize cost-recovery goals on a five-year rolling average basis. The adjustments will depend on the results achieved during the 1993-94 and 1994-95 fiscal years and forecasts for the 1995-96 fiscal year, as well as the results of efficiencies and cost-reduction initiatives. Charges will adhere to the Treasury Board directive regarding cost recovery by the Commission.

Furthermore, the Regulatory Review Fee Task Force has made a number of recommendations that will require adjustments to the fees.

While there may be some minor increases in costs to grain producers resulting from fees for services supplied exclusively to them, the overall revenues generated from fees are not expected to change, assuming all factors such as volumes handled remain constant.

This is a joint Commission/industry initiative.

**Legal Authority:** Canada Grain Act, paragraph 116(i)(r)

**Status:** This is a recurring initiative.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

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**Agr/95-22-R-I**

### **Canadian Grain Regulations - Grades**

Various grain grades will be amended following regular extensive consultations with all sectors of the industry, including domestic and export buyers, and review by the Eastern and Western Standards committees (composed of producers, handlers and processors) of marketing and production conditions, end-user requirements and competitive developments. It is still too early to predict what changes will be made. Specific grade changes will be finalized as crop and marketing requirements evolve.

These changes are expected to facilitate the marketing and handling of Canadian grain and thereby improve producers' returns. Changes are needed to respond to the demands of buyers and end-users and to ensure that Canadian grain remains competitive in the market.

No additional costs are anticipated at the present time for handlers or the Canadian Grain Commission.

These changes will be initiated by the Commission and the grain industry. Some of them will be triggered by the Regulatory Review initiative. Finally, the CGC has undertaken a fundamental industry-wide review of the grain grading system, which may yield grade changes during 1995.

This is a joint Commission/industry initiative.

**Legal Authority:** Canada Grain Act, subsection 16(1)

**Status:** This is a recurring initiative.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

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**Agr/95-23-R-L**

### **Canadian Wheat Board Regulations - Initial Payments**

This regulatory initiative establishes initial payments for the base grade in each of the four pool accounts under the jurisdiction of the Canadian Wheat Board (CWB). The four pool accounts are: wheat, amber durum wheat, barley and designated barley. These



initial payments are fixed annually by regulation. Initial payments received by producers upon delivery of wheat and barley to the CWB are guaranteed by the Government of Canada.

Initial payments determine the level of payment received by producers upon the delivery of grain into the primary or terminal elevator. The level of initial payments will have an influence on the income of Western Canadian grain producers. These initial payments are fixed in relation to anticipated market returns. They represent guaranteed floor prices for producer deliveries of wheat and barley to the CWB during the crop year. After the pool accounts have been closed, any balances remaining in the individual pool accounts, after expenses have been deducted from revenue received by the CWB from grain sales, are subsequently distributed to producers as final payments.

Establishing initial payments annually will more accurately reflect market conditions and returns to grain producers. The Government of Canada is required to cover any deficit in a pool account. This initiative will reduce the risk of a deficit occurring.

**Legal Authority:** Canadian Wheat Board Act subparagraph 32(1)(b)(i) and subsection 47(2)

**Status:** This is a recurring initiative.

**Contact:** Victor Jarjour, Director, Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel.: (613) 995-9554; Fax: (613) 943-1905.

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**Agr/95-24-O-L**

### **Terms and Conditions for the Use of "Canada" Grade Names**

Under the Canada Agricultural Products Act, every agricultural product legend and every grade name is a national trademark. The exclusive property in the trademark and, subject to the Act, the right to the use of the trademark is vested in Her Majesty in right of Canada. The Act also provides that the Governor in Council may make regulations prescribing terms and conditions governing the application of and the right to use grade names such as Canada No. 1 on agricultural products.

The intent of this initiative is to establish for dairy products, fresh fruit and vegetables, honey, maple products and processed fruit and vegetables, under their respective regulations, uniform terms and conditions under which a person may use federal

grade names in respect of these products, including provisions for the licensing of such users. This proposal will preserve the integrity of the "Canada" grade names as a marketing tool in interprovincial and export trade. These new regulations, initiated by Agriculture and Agri-Food Canada, will facilitate enforcement of the grade-marking provisions and promote the high-quality image of agricultural products marked with a "Canada" grade. This is expected to promote the sale of Canadian-graded products in both domestic and export markets and enhance the competitiveness of Canadian producers.

**Legal Authority:** Canada Agricultural Products Act, section 32

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-6.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

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**Agr/95-25-O-L**

### **Fat Content of Ground Meat**

Under the Food and Drug Regulations, standards have been prescribed for regular, medium and lean ground beef at 30%, 23% and 17% fat content respectively. The Meat Inspection Regulations, 1990, however, provide for regular, medium, lean or extra-lean ground meat products at maximum fat contents of 30%, 23%, 17% and 10% respectively. Amendments are proposed to the Food and Drug Regulations that will revise and extend the present ground beef regulations to apply to all species of meat and will establish a category for "extra lean", thus providing uniformity of application of common names based on maximum fat contents for all species, at all levels of trade.

This benefit will surpass any potential costs to industry by reducing the fraud risk resulting from a lack of information on the food label. As these regulations will simply modify the common names currently being used to describe ground meat products, no additional costs are expected.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-39.

**Contact:** Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and



Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: (613) 952-8000, ext. 3795; Fax: (613) 952 7387.

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Agr/95-26-O-I

### **Organic Food Production Regulations**

This regulatory initiative was requested by industry and is intended to provide a framework for the implementation of an industry-developed standards and certification program for the production, processing, distribution, labelling and marketing of organically grown agri-food commodities.

Implementation of these regulations will: facilitate national and international trade of organic products; strengthen the credibility of a small but growing niche market for organic food; and provide consumer assurance that a product labelled as "organic" has met established criteria.

The proposed regulations are based on the "beneficiary pays" principle and will primarily benefit the user group that will incur the cost—the organic products industry. The extent of service will depend on the degree of industry participation.

**Legal Authority:** Canada Agricultural Products Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-31.

**Contact:** A. Millar, Agri-Food Safety and Strategies Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613)-952-8000; Fax: 613 990-3925.

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Agr/95-27-O-L

### **Livestock Carcass Grading Regulations - Hog Carcass Cutout**

A new hog carcass grading system was introduced in Canada in 1968 to provide hog producers with the necessary information and financial incentives to promote the production of leaner pork. A national hog carcass cutout survey conducted in 1967 provided hog producers and packers with the necessary information to develop the new grading system. A second national cutout survey was completed in 1978 to update the hog carcass index values in the Livestock Carcass Grading Regulations in order to ensure that producer payment reflected real carcass value.

A third major hog carcass cutout survey was undertaken in 1992. Information was collected on carcass yield, carcass quality, and the accuracy of both current and alternative hog carcass grading technologies. Following data analysis, several changes to the hog standards were recommended. The mathematical equations for predicting carcass lean yield content will be altered for each of the three approved electronic grading probes to predict carcass lean yield more accurately. New yield ranges will be established for each of the seven yield classes in the case of carcasses graded with a probe. The Canada Index Table will be eliminated. These recommendations are supported by both the Canadian Pork Council and the Canadian Meat Council.

The amendments will either update the Regulations in response to the national carcass cutout survey or deregulate elements such as the Canada Index Table. Hog carcass grading will be more accurate. The anticipated cost to industry to reprogram the electronic probe lean yield prediction equations is estimated to total \$100,000.

This is a joint departmental/industry initiative.

**Legal Authority:** Canada Agricultural Products Act, section 32

**Status:** This initiative appeared in the 1994 Federal Regulatory Plan as AGR-26.

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

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Agr/95-28-N-L

### **Specification of Species Subject to Variety Registration**

The Seeds Regulations govern the inspection, testing, quality and sale of seed in Canada.

Currently, varieties of all species, except those specifically exempted under section 65, are subject to variety registration. Varieties that are not exempt must be registered to be freely imported into or sold in Canada. This amendment will result in the specification of the major agricultural crop species as subject to variety registration with all other species exempt. This should result in benefits as the availability of new varieties to growers would increase. In addition, costs to provincial governments

and industry will decrease as less mandatory testing will be required. This is a government initiative.

**Legal Authority:** Seeds Act

**Status:** This is a new initiative.

**Contact:** Grant Watson, Associate Director, Variety Section, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

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Agr/95-29-N-L

**Plant Breeders' Rights Regulations - Amendment**

Schedule I of the Plant Breeders' Rights Regulations will be amended to include additional categories eligible for protection.

The Plant Breeders' Rights Office (PBRO) of Agriculture and Agri-Food Canada operates on a cost-recovery basis. The addition of new categories eligible for protection will increase the number of applications accepted and result in an increase in the total revenue collected by the PBRO. The amendment will not require new resources from government.

**Legal Authority:** Plant Breeders' Rights Act, S.C. 1990 chapter 20, subsection 4(1)

**Status:** This is a new initiative.

**Contact:** G. Hansen, Director, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

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Agr/95-30-O-L

**Standards and Labelling Requirement Revisions**

In addition to labelling requirements, the Fertilizers Regulations contain standards relating to the composition and quality of fertilizers and supplements applicable to the sale these products in Canada and their importation into Canada. This initiative proposes several minor amendments to existing standards and labelling requirements intended to make the Regulations more current with market conditions. This initiative also addresses two new issues: standards that relate to the level of permissible deficiencies for calcium, magnesium and sulphur in fertilizers; and requirement that the

beneficial effect(s) of supplements be listed on the product label. These additions are intended to enhance the protection of consumers against fraud provided by these regulations and to improve the ability of Agriculture and Agri-Food Canada to enforce these regulations.

**Legal Authority:** Fertilizers Act, section 5

**Status:** Parts of this initiative appeared in the 1994 Regulatory Plan as AGR-14.

**Contact:** Sergio Toluoso, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

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Agr/95-31-O-L

**Housekeeping Revisions To Feeds Regulations Schedules**

Routine amendments of Schedule IV (feed ingredients) and Schedule V (feed flavourings) of the Feeds Regulations are required to keep the schedules updated. The amendments will incorporate additions, deletions and revisions to items found in these schedules. Furthermore, specific labelling standards will be incorporated for certain ingredients in Schedule IV. Updating of schedules IV and V will have no impact with respect to benefits and costs since this amendment serves to update and clarify. There will be no increased requirement for government resources, nor will the financial or regulatory burden on industry be increased.

This is a government-proposed initiative.

**Legal Authority:** Feeds Regulations, 1983, section 26

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-11.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-5987.

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Agr/95-32-O-L

**Feeds Regulations - Minor and Editorial Updates**

Additions, modifications or deletions to the Feeds Regulations are required on a routine basis.



This amendment will carry out a number of minor and editorial revisions to the Feeds Regulations including those recommended as a result of the 1992 Departmental Regulatory Review.

The Regulations will be amended to provide clarification of definition, editorial amendments, updates to Table 3 of Schedule I, and updates to Table 4 of Schedule I.

These amendments are necessary to keep the Regulations current. They will benefit industry since they respond to concerns regarding the uniformity of regulations. All of the changes will be accomplished by amending the various sections and schedules of the Feeds Regulations.

There will not be an increased requirement for government resources, and there will be no increase in the regulatory or financial burden on industry.

This is a government-proposed initiative.

**Legal Authority:** Feeds Regulations, 1983

**Status:** This initiative appeared in the 1994 Regulatory Plan as AGR-12.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9.  
Tel.: (613) 952-8000; Fax: (613) 952-5987.

AGR/95-33-N-1

## Canada Grain Regulations - Miscellaneous Amendments

Various provisions of the Canada Grain Act are expected to be modified late in 1994, necessitating related changes to the Canada Grain Regulations. These changes will involve: the security eligibility of producers, the methods of assessing quality, the elimination of the requirement to establish prescribed maximum tariffs of elevator charges, the movement of grain by public carriers and persons other than public carriers, the issuance of documents, overages at primary elevators and various housekeeping needs. The Act is being modified as a result of extensive consultations with industry and as a result of the Regulatory Review initiative.

Some changes will protect taxpayers by limiting exposure to potential licensee defaults. Others will protect producers when dealing with licensees. Measures in respect of prescribed tariffs are expected to give operators more flexibility in their handling operations.

Overall, the changes are not expected to increase costs significantly. Only a few changes will yield increased costs to handlers. These costs will be offset by changes that will reduce the regulatory burden for handlers.

This is a joint Commission/industry initiative.

**Legal Authority:** Canada Grain Act, section 116

**Status:** This is a new initiative.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8.  
Tel.: (204) 983-3081; Fax: (204) 983-2751.

## Future Initiatives

### Revised Pest Control Products Act (PCPA) - Regulations

Proposed amendments to the PCPA, based on the recommendations of the Pesticide Registration Review, may be introduced in 1995. These amendments were developed through extensive consultation with interest groups and are designed to provide a modern legislative foundation for the revised federal pesticide regulatory system. They consist in part of new authority for the Governor in Council to make regulations prescribing procedures in the areas listed below. It is anticipated that the bulk of the regulations will be made over a period ending in the spring of 1997. Development of the regulations will involve consultation primarily with those interest groups involved in the Pesticide Registration Review. Other stakeholders will be made aware of the proposed regulations through notices in the *Canada Gazette*.

**Reporting of Adverse Effects:** These regulations would prescribe the timing, reporting arrangements and other requirements for registrants and applicants to report factual information that may show that a control product may have an unreasonably adverse effect on human health, safety and/or the environment. The pest control product industry will have a clear understanding of responsibilities when the requirements are prescribed in regulations.

**Export Permits:** These regulations would delineate the circumstances under which the export of products subject to export restrictions might be allowed. The intent of the regulations would be to ensure that all health and safety considerations are respected while not imposing undue restriction on industry. The proposed requirement for permits for the export of



products of concern is consistent with UNEP and FAO conventions for prior informed notification of the receiving country prior to export.

**Maintenance of Records:** These regulations would improve the availability of information and thereby lead to increased public confidence in the regulatory system. They would also improve enforcement capabilities. Care will be exercised in preparing these regulations in order to avoid undue regulatory burden.

**Protection of Proprietary Rights to Data:** These regulations would provide protection to registrants, comparable to that provided in other countries, for the data generated in support of registration applications. The regulations would have a positive impact on the competitiveness of the pest control product industry and also on the agricultural and forestry sectors by providing incentives for registration of products in Canada.

**Workplace Hazardous Materials Information System (WHMIS):** These regulations would require industry to provide Material Safety Data Sheets to the workplace under WHMIS and would contribute to minimizing occupational risks posed by the use of pest control products.

**Cost Recovery:** These regulations would permit the implementation of a cost-recovery scheme to offset some of the costs to government of the pesticide regulatory system and to provide incentives for on-time performance in the review of registration submissions.

**Points of Importation:** These regulations would allow the government to restrict the import of certain pest control products to specific points of importation. This would only be done when it would otherwise be difficult to ensure that points of importation had adequate inspection staff to prevent infractions of the Act and regulations.

**Registration Types:** These regulations would prescribe different registration types and the conditions of registration for each. The regulations would reduce costs to the pest control product industry by ensuring that registration requirements are tailored to particular product and use categories, such as products imported solely for formulation and export or products for minor uses.

**Laboratory Practice:** These regulations would prescribe requirements for laboratory practice to be followed to develop data to support pest control products registrations. This would ensure that

assessments of risks to human health, safety and the environment are not based on faulty data. Public safety would be improved and the cost to industry potentially reduced by eliminating the need to repeat unacceptable studies.

The only alternative to regulation in the above areas is the status quo, which would be contrary to the government commitment to implement a revised pesticide regulatory system based on the recommendations of the Pesticide Registration Review.

**Classification:** Major initiative

**Contact:** Ivo Krupka, Executive Secretary, Pest Management Secretariat, Trebla Building, 473 Albert Street, Ottawa, Ontario, K1A 0C5.  
Tel.: (613) 991-0216; Fax: (613) 991-0231.

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## Special Crops Regulations

A task force composed of special crops producers and processors has reviewed the appropriateness of the provisions of the Canada Grain Act and Regulations applicable to special crops as well as to their handlers and marketers. The mandate of the task force was to determine what changes would be necessary to current statutory provisions in order to meet the specific needs of the special crops industry, since this sector of the grain industry is growing in importance and evolving rapidly.

The task force considered the following alternatives (i) the status quo; (ii) modifications to the Canada Grain Act; and (iii) regulations pursuant to a completely new piece of legislation.

The task force recommended modifications to the Canada Grain Act that related primarily to the licensing of buyers and the establishment of a security scheme to protect producer deliveries. The Canadian Grain Commission will consult various stakeholders and decide which recommendations, if any, should be made to the Minister of Agriculture and Agri-Food about changes to the Act. Regulations will flow from those changes.

Additional costs related to the modified legislation cannot be determined at present; the task force has recommended that all related costs be recovered from fees assessed.

This was initiated by the Commission.

**Classification:** Intermediate-cost initiative

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission,

## Grain Futures Regulations

The Canadian Grain Commission continues to consult with various stakeholders prior to amending the Grain Futures Act. These amendments will trigger changes to the Grain Futures Regulations.

Alternatives under review include: (i) the statutory recognition of a self-regulatory organization to regulate the operation of futures' markets; and (ii) increased regulatory supervision by the Commission and the Supervisor of the Exchange.

Consultations are being held with a wide variety of interested parties, including the Winnipeg Commodity Exchange, provincial securities commissions, and provincial departments of agriculture. An industry task force is reviewing the recommendations being developed by a consultant regarding potential statutory changes; the Commission will consider the views of the consultant and the task force prior to developing final recommendations for review by the Minister.

Additional costs related to the new regulations are expected to be low; however, it is likely that these costs will not be recoverable from the regulated entities because of competitive reasons and will have to be borne by the federal government.

**Classification:** Intermediate-cost initiative

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

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## Creation of Inedible Rendering Establishment Registration Regulations

In Canada, regulation of inedible rendered products falls under the jurisdiction of the Feeds Act and Regulations (as a feed ingredient), the Health of Animals Act and Regulations (because this material may carry disease contagions if improperly processed), and the Meat Inspection Act and Regulations (as the raw materials may originate from registered slaughter houses). These regulations primarily address pre-sale evaluation and post-sale monitoring of rendered products manufactured or imported for sale in Canada. The proposed regulations will provide authority to register establishments that produce inedible rendered product with a view to ensuring that these

establishments have appropriate controls in place that help prevent the contamination of rendered product with materials hazardous to animal and human health and safety.

This initiative will clarify the regulatory authority respecting producers of inedible rendered product and is in line with current departmental policy.

Alternatives under review are the status quo and self-regulation by producers of inedible rendered product.

The department will consult mainly with the Canadian Renderers Association, feed industry associations and provincial governments. Other stakeholders will be advised of the department's plans via a notice in the *Canada Gazette*.

**Classification:** Intermediate-cost initiative

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-5987.

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## Creation of Feed Manufacturing Establishment Registration Regulations

The current Feeds Act and Regulations primarily address pre-sale evaluation and post-sale monitoring of feeds and feed ingredients manufactured or imported for sale in Canada. The proposed regulations will provide authority to register feed manufacturing establishments with a view to ensuring that feed manufacturers have appropriate controls in place that help prevent the contamination of feed with materials hazardous to animal and human health and safety.

This initiative is in line with current departmental policy and fulfils obligations under the Canada-U.S. Free Trade Agreement to modify inspection procedures to ensure equivalency with those used in the U.S.

Alternatives under review are the status quo, and self-regulation by the feed industry and livestock producers.

The department will consult mainly with feed industry associations, livestock producer organizations and provincial governments. Other stakeholders will be advised of the department's plans via a notice in the *Canada Gazette*.

**Classification:** Intermediate-cost initiative

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-5987.

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## **Health of Animals Regulations - Animal Identification**

The department is developing a program of animal identification. One of the major benefits of an identification system is the ability to trace disease-carrying animals back to their herd of origin. Currently, the lack of accurate identification of cattle means that the average traceback of a tuberculosis suspect would require the investigation of 27 herds of cattle. Many traceback investigations can no longer be completed because the resources required are not available.

With an adequate identification system, the average traceback would only require investigation of two herds. This increased efficiency would allow completion of more traceback investigations. The earlier identification of infected herds would reduce the spread of disease and increase the effectiveness of eradication programs.

A committee of departmental and industry representatives is discussing the feasibility of an identification system for animals, including which methodology would be used and what benefits would result.

**Classification:** Intermediate-cost initiative

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

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## **Health of Animals Regulations - Toxic Substances**

The Health of Animals Act contains authority to control animals that have been contaminated by toxic substances in order to protect the human food supply. The department is reviewing its role in the control of toxic substances in food animals in order to decide which substances will be controlled and which regulatory program will be adopted.

The department will be consulting industry groups and provincial governments to ensure that any

regulatory program that is adopted is appropriate and does not overlap provincial programs.

**Classification:** Intermediate-cost initiative

**Contact:** Dr. Ian Kirk, Associate Director, Audit, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 990-6543.

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## **Health of Animals Regulations - Transportation of Animals**

The department will be reviewing its role in enforcing the regulations regarding the humane transportation of animals in order to determine the most effective method of delivering the program. The Regulatory Review recommended this review.

The department will hold discussions with a wide body of outside agencies and non-governmental organizations to determine the role of the provinces and private organizations in the program.

**Classification:** Intermediate-cost initiative

**Contact:** Dr. Gordon Doonan, Special Projects Officer, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-4385.



# Canadian Heritage

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## General Information

### Roles and Responsibilities

Every generation has a responsibility to preserve and build on what those before it have created so that future generations will have access to the heritage that has made Canada the distinctive nation that it is and will continue to be. Drawing on Canada's cultural and natural heritage, the objectives of Canadian Heritage are the following:

- supporting the full participation of all members of Canadian society and promoting among Canadians knowledge, understanding and appreciation of Canada, its human and natural history, regional diversity, culture, traditions, values, symbols, institutions and distinct identity;
- supporting opportunities to increase the appreciation and use of both official languages, working to eliminate racism and other forms of discrimination and barriers to participation, increasing knowledge, appreciation and enjoyment of human rights and fundamental freedoms, and ensuring compliance with Canada's domestic and international human rights obligations;
- developing and maintaining an amateur sport system that provides opportunities to all athletes and sport participants and ensures those with talent and dedication achieve the highest international level;
- supporting cultural creative expression through the development of Canadian cultural industries and organizations representing the performing, literary and visual arts, and promoting public access to, and appreciation of, cultural expression; and
- providing the means to commemorate, protect and present both, directly and indirectly, places that are significant examples of Canada's cultural and natural heritage in ways that encourage public understanding, appreciation and enjoyment, and long-term ecological and commemorative integrity.

Four sectors within Canadian Heritage are charged with carrying out the above activities.

The Canadian Identity Sector is responsible for those activities intended to enhance a sense of identity and belonging among Canadians. These include programs that help build a better understanding of Canada and

pride in being Canadian; promoting linguistic duality, cultural diversity, and participation of aboriginal peoples in the social, cultural, political and economic issues affecting their lives in Canadian society; and encouraging excellence and affiliation through sport and participation in major games.

The Cultural Development and Heritage Programs Sector is responsible for promoting artistic development in Canada, increasing public access to Canada's heritage and assisting in the preservation of this heritage. This responsibility includes stimulating access to Canadian arts and heritage products and services, as well as encouraging public participation in related cultural activities. This sector also provides support to arts and heritage organizations and to the broadcasting and cultural industries. In fulfilling its mandate, the sector works closely with federal arts, heritage and broadcasting agencies, including the National Film Board, the Canada Council, the National Arts Centre, Telefilm Canada, Canada's national museums, the Canadian Broadcasting Corporation and the Canadian Radio-television and Telecommunications Commission.

The Parks Canada Sector plays a lead role in federal activities related to the formal recognition of persons, places and events of national historic importance, and places representative of Canada's natural and human heritage. In some cases, these heritage activities entail direct responsibility for the management (including both protection and presentation) of federal lands and their associated resources. This is the case for national parks, aspects of marine conservation areas, and a number of national historic sites. In other cases, activities are focused on formal designations by the Government of Canada and, as mandated, on support for the preservation and interpretation of designated heritage properties that are managed by others. These include all heritage railway stations, most federal heritage buildings, most Canadian heritage rivers, and many national historic sites.

The Corporate Services Sector integrates all the corporate service functions, including finance and corporate coordination. In addition to providing executive direction and a range of centralized services to the department, this sector is responsible for strategic planning, policy coordination, intergovernmental relations and communications activities, as well as information management and administration.

## Legislative Mandate

- Act to Incorporate the Jules and Paul-Emile Léger Foundation
- Broadcasting Act
- Canada Council Act
- Canadian Film Development Corporation Act
- Canadian Heritage Language Institute Act (not yet proclaimed)
- Canadian Multiculturalism Act
- Canadian Race Relations Foundation Act (not yet proclaimed)
- Canadian Radio-television and Telecommunications Commission Act
- Constitution Act, 1867
- Constitution Act, 1982
- Corrupt Practices Inquiries Act
- Cultural Property Export and Import Act
- Department of Communications Act
- Department of Multiculturalism and Citizenship Act
- Department of State Act
- Department of Transport Act, 1970 (Canals)
- Disfranchising Act
- Dominion Controverted Elections Act
- Dominion Water Power Act
- Financial Administration Act (Secretary of State, appropriate Minister with respect to the Public Service Commission)
- Fitness and Amateur Sport Act
- Heritage Railway Stations Protection Act
- Historic Sites and Monuments Act
- Holidays Act
- Laurier House Act
- Manitoba Act, 1870
- Mingan Archipelago National Park Act
- Museums Act
- National Anthem Act
- National Archives of Canada Act
- National Arts Centre Act
- National Battlefields at Quebec Act
- National Capital Act
- National Film Act
- National Flag of Canada Manufacturing Standards Act
- National Library Act
- National Parks Act
- National Symbol of Canada Act
- Official Languages Act (Part VII - Advancement of English and French)
- Public Service Employment Act
- Social Sciences and Humanities Research Council Act

## OVERVIEW OF REGULATORY ACTIVITY WITHIN CANADIAN HERITAGE

As a result of the ongoing federal regulatory reform Canadian Heritage has been streamlining its regulatory activity in order to better respond to the ever-changing economic environment. By doing this, the department will provide its services to the public in a more effective and cost-efficient manner.

Since the bulk of the regulatory activity in the department lies within Parks Canada, most of the streamlining has affected regulations that flow from the National Parks Act. As an alternative to the formal federal regulatory process, Parks Canada gave notice in the 1994 Regulatory Plan of its intention to deregulate some of its user fees, such as those for access to national parks. Parks Canada has developed a fee-setting process that respects the principles of fairness and openness of the regulatory process. This fee-setting process allows for fees to be applied in a market-sensitive manner on a contractual basis, whereby a service would be provided upon payment of a fee authorized by the Minister. Parks Canada began removing its fees from regulation in 1994 with the revocation of its camping fees and fees for other recreational, non-monopoly services. Proposals for the revocation of entry fees for national historic parks, national historic sites and heritage places, and for the revocation of historic canals fees, are expected to be approved shortly.

## Initiatives for 1995

HER/95-1-O-L

### Canadian Films and Video Tapes Certification Fees Order

Pursuant to the 1982 Canadian Films and Video Tapes Certification Fees Order, costs for services provided in relation to the certification of Canadian films and video tapes are paid by users in the private sector who benefit from the service. These fees have not been modified since 1982.

The Canadian Audio-Visual Certification Office intends to modify the fee structure to better reflect the differences in the budget levels of the productions that benefit from certification. This revision will also seek to impose new and additional fees for the certification of applications of revenue guarantee, which were added to the responsibilities of the Office as a result of the 1987 tax reform, and for the granting of courtesy credits for non-Canadian producers.

**Legal Authority:** Financial Administration Act, paragraph 19(1)(b)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-2.

**Contact:** Robert Soucy, Manager, Canadian Audio-Visual Certification Office, Canadian Heritage, 15th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4090; Fax: (613) 952-5110.

HER/95-2-O-L

### Amendments to the National Parks Building Regulations

Amendments to the National Parks Building Regulations will strengthen the control of construction in national parks. The Regulations were initially intended to regulate all construction activities in the parks. However, the Regulations provide only for the construction of buildings. Improvements to property such as decks and fences are not covered by the regulations. In addition, provisions to enable the setting out of terms and conditions in building permits and the suspension or cancellation of building permits will be specified to strengthen and modernize the Regulations. The department will also add provisions respecting the powers of inspection of premises during and after construction of buildings and other structures in the parks.

**Legal Authority:** National Parks Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-8.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/95-3-O-L

### Amendments to the National Parks Fishing Regulations

Canadian Heritage will make amendments will be made to the National Parks Fishing Regulations to make routine adjustments to quotas and open seasons. It may extend the regulations to newly proclaimed national parks, if required. Other amendments will to better organize the Regulations for purposes of administration and enforcement. The amendments will update the Regulations to permit improved management of the fish resources in the parks.



**Legal Authority:** National Parks Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-7.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-4-O-L

### **Regulations Relating to the Proclamation of Gros Morne National Park**

When Gros Morne National Park in Newfoundland is proclaimed, Canadian Heritage will amend or establish various regulations to accord with the terms of the federal-provincial agreement relating to the creation of the national park. Specifically, it will amend the National Parks General Regulations to allow local persons to remove sand and gravel for purposes of construction rather than commercial purposes. The Department will establish Gros Morne Snowshoe Hare Domestic Harvest Regulations, in accordance with the park management plan, to allow for the harvest of snowshoe hares by local residents for domestic purposes. Gros Morne Timber Harvest Regulations will be brought into effect, in accordance with the park management plan, to provide for the cutting and removal of timber in the park by local residents. Canadian Heritage will revoke the current Gros Morne Forestry Timber Harvest Regulations, which were made under the authority of the Forest Development and Research Act, and amend the current National Parks Timber Regulations to reflect the special circumstances of Gros Morne National Park. These amendments and new regulations are required to meet the terms of the federal-provincial agreement which assures the continuation of certain traditional practices by local residents of the park.

**Legal Authority:** National Parks Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-11.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-5-O-L

### **Regulations Relating to the Proclamation of Pacific Rim National Park Reserve**

When Pacific Rim National Park Reserve in British Columbia is proclaimed, the department will amend various regulations to accord with the terms of the federal-provincial agreement for the creation of the park. The National Parks Fishing Regulations will require amendments to the appropriate schedule to the Regulations to include open seasons, catch and possession limits, waters closed to fishing and species of game fish. An amendment to the Fire Protection Regulations will be required to prohibit the starting and maintaining of fires above the high-tide line in the park. Other regulations, such as the National Parks Highway Traffic Regulations, may require amendments to control the operation and parking of motor vehicles in the park. These amendments are required to enable the continuation of certain traditional practices in the park area.

**Legal Authority:** National Parks Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-12.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-6-N-L

### **Amendments to National Parks Lease and Licence of Occupation Regulations**

Amendments to the National Parks Lease and Licence of Occupation Regulations are required to address the provisions of the Regulations that control residency in the national parks. Weaknesses have been identified in the need-to-reside clauses set out in the Regulations.

An amendment to the Regulations is proposed to address security of tenure for leases issued in the Town of Banff. The issue of leases is currently the responsibility and at the discretion of the Minister of Canadian Heritage. Representatives of the Town of Banff, which operates as a self-governing community, have indicated that stronger mechanisms must be set out in the Regulations to ensure renewal or replacement of leases upon expiry.

These amendments are intended to clarify the administration of the Regulations.

**Legal Authority:** National Parks Act

**Status:** This is a new initiative.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-7-N-L

### **Amendments to Regulations Applicable to Communities in National Parks**

A number of municipal-like regulations apply to communities situated in national parks. The National Parks Garbage Regulations, for example, apply to the collection and disposal of garbage in the parks. The National Parks Water and Sewer Regulations provide for the control and administration of residents' water and sewer services. The National Parks Signs Regulations apply to the installation of commercial signs. The costs associated with providing municipal services to residents and businesses in the park communities is currently being reviewed. In order to effect more modern and efficient cost recovery practices, amendments to the various regulations will be required to set out updated mechanisms.

**Legal Authority:** National Parks Act

**Status:** This is a new initiative.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-8-N-L

### **Amendments to the National Parks Highway Traffic Regulations**

Policies on the application of fees for the operation of motor vehicles in national parks are being reviewed. Currently, fees apply to certain motor vehicles, such as automobiles, vans and motorcycles and to chartered buses. Although the fees may be deregulated and applied on a contractual basis, the introduction or alteration of regulatory provisions in the National Parks Highway Traffic Regulations may be required to control the use of vehicles on park highways.

Canadian Heritage is also developing amendments to improve controls on the use of over-snow vehicles within the parks. Regulations respecting vehicle registration, licencing of drivers and vehicle insurance requirements in accordance with provincial standards

are needed where the operation of these vehicles is permitted in the parks.

**Legal Authority:** National Parks Act

**Status:** This is a new initiative.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-9-N-L

### **Amendments to the National Parks Wildlife Regulations**

Canadian Heritage is developing amendments to the National Parks Wildlife Regulations respecting the transportation and storage of firearms in the parks. The current provisions covering the transportation and storage of firearms, particularly rifles, have come under question and should be brought into line with the requirements of the Criminal Code.

The National Parks Wildlife Regulations will also be renamed the National Parks Fauna Regulations to reflect precisely the legislative authority of the National Parks Act for making regulations for the protection of fauna. The term fauna is preferable as its context and scope extend beyond the meaning of the term wildlife.

**Legal Authority:** National Parks Act

**Status:** This is a new initiative.

**Contact:** Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

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HER/95-10-R-I

### **Amendments to National Historic Parks Order**

As part of the National Historic Sites Directorate's ongoing responsibilities, there may be submissions made in 1995 to set aside national historic sites under the Minister's authority in accordance with Part II of the National Parks Act, so that regulations under that Act may apply, and to change headings and descriptions for those lands already set aside. Submissions will be put forward when clear title is acquired and/or the survey work is complete.

There are no costs to the visitor associated with these initiatives. Local communities generally benefit



economically from the establishment of national historic sites (parks) in their area. A further benefit is the increased protection of the cultural and natural heritage resources located in these places.

**Legal Authority:** National Parks Act, sections 9 and 10

**Status:** This is a recurring initiative.

**Contact:** Rosemarie Bray, Chief, Policy, Legislation and Government Relations, National Historic Sites Directorate, Parks Canada, Canadian Heritage, 5th Floor, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 997-4045; Fax: (819) 953-6146.

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HER/95-11-O-L

### **Deregulation of Parks Canada User Fees**

Parks Canada currently sets out fees under 20 sets of regulations. Parks Canada's authority to establish fees is derived from the National Parks Act, the Department of Transport Act (Historic Canals Regulations), the Financial Administration Act and the Dominion Water Power Act (hydro-electric installations).

Parks Canada has developed a fee-setting process that respects the principles of fairness and openness of the regulatory process. The Parks Canada fee-setting process allows for fees to be applied in a market-sensitive manner on a contractual basis whereby a service would be provided upon payment of a fee authorized by the Minister. Parks Canada began the revocation of fees in 1994 by removing fees for camping and other recreational, non-monopoly services from regulations. Proposals for the revocation of entry fees for national historic parks, national historic sites and heritage places, and for the revocation of historic canals' fees are scheduled for review shortly. Further proposals for the deregulation of fees under the National Parks Act and the Dominion Water Power Act will be developed for 1995/96.

**Legal Authority:** National Parks Act; Department of Transport Act; Financial Administration Act; Dominion Water Power Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-13.

**Contacts:** Mike Porter, Director, Policy and Legislation, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 994-2691; Fax: (819) 994-5140.

George Ingram, Director, Policy, Legislation and Government Relations, National Historic Sites, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-9345; Fax: (819) 994-5140.

Celine Gaulin, Manager, Revenue Development, Parks Canada Investments, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 994-0043; Fax: (819) 953-5632.

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HER/95-12-O-L

### **Amendment of the "Direction to the CRTC (Eligible Canadian Corporations) C.R.C. c. 376"**

The cited Direction (C.R.C. c. 376) is the means by which the Government of Canada has provided, since 1968, that Canadian broadcasting undertakings be at least 80 per cent owned and controlled by Canadians. The Direction provides that the Canadian Radio-television and Telecommunications Commission (CRTC) may not issue, or renew, a broadcasting licence to anyone who is not a Canadian citizen or an "eligible Canadian corporation", —that is, 80 per cent Canadian owned and controlled.

Parliament's Standing Joint Committee for the Scrutiny of Regulations and the CRTC have expressed concerns about the wording of the Direction. The intent of the proposed amendment to the Direction is to address these concerns and to harmonize the regulatory requirements prescribed under broadcasting and telecommunication legislation.

**Legal Authority:** Broadcasting Act, section 26

**Status:** This initiative appeared in the 1994 Regulatory Plan as HER-1.

**Contact:** Larry Durr, Director, Regulatory Policy and Extension of Services, Broadcasting Policy Branch, Canadian Heritage, Journal Tower South, 11th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-1003; Fax: (613) 947-3348.

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HER/95-13-O-I

### **Fees for Tours, Services and Use of Facilities in National Battlefields Park in Quebec**

Under Treasury Board's cost-recovery policy, fees for tours, services and the use of facilities could be applied to the territory under the jurisdiction of the National Battlefields Commission (National Battlefields Park in Quebec City). Up until now, access has been free and charging fees has not been possible.



The new fees for tours, services and the use of facilities will be based on the types of services provided and the fees currently charged at similar public sites in Quebec City. Fees shall be reasonable and shall be used to conserve the site or make it more accessible for all.

**Legal Authority:** Financial Administration Act, paragraph 19(1)a) and subsection 19.2(1)

**Status:** This initiative appeared in the 1993 Regulatory Plan as EC-36.

**Contact:** Louise Germain, Assistant Secretary, National Battlefields Commission, 390 de Bernières Avenue, Quebec, Quebec, G1R 2L7.  
Tel.: (418) 648-7289; Fax: (418) 648-3638.

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HER/95-14-R-L

### **National Library of Canada Fees Order**

The fees charged for services provided by the National Library are periodically reviewed and revised to ensure that a portion of departmental costs are recovered. This proposal will adjust the level of fees to reflect the current costs of providing these services.

**Legal Authority:** Financial Administration Act, paragraph 19(1)a) and subsection 19.2(1)

**Status:** This is a recurring initiative.

**Contact:** Tom Delsey, Director, Policy and Planning, National Library of Canada, 395 Wellington Street, Ottawa, Ontario, K1A 0N4. Tel.: (613) 943-1939; Fax: (613) 996-7941.

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## **Future Initiatives**

### **Enhancement of Statutory Protection for National Historic Sites**

In the recently released Guiding Principles and Operational Policies, the Minister of Canadian Heritage has committed Parks Canada to reviewing the Historic Sites and Monuments Act with a view to expanding this legislative protection to national historic sites owned by other federal departments and agencies.

Based on extensive public consultation in support of the new policies and on the concept of commemorative integrity, efforts will be focused on establishing a regulatory regime for all national historic sites administered by Parks Canada, and on regulating the protection of national historic sites

under federal jurisdiction not administered by Parks Canada.

Discussions with other federal departments and federally regulated agencies will be initiated.

**Classification:** Intermediate-cost initiative

**Contact:** Rosemarie Bray, Chief, Policy, Legislation and Government Relations, National Historic Sites Directorate, Parks Canada, Canadian Heritage, 5th Floor, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel: (819) 997-4045; Fax: (819) 953-6146.

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### **An Act Respecting the National Battlefields at Quebec**

Canadian Heritage plans to repeal the 1908 Act respecting the National Battlefields at Quebec and replace it with a new act that better meets the needs of the 1990s. This legislative proposal would allow the National Battlefields Commission to establish regulations governing traffic, parking and behaviour in National Battlefields Park, and to set suitable fines that could not be contested in court.

**Classification:** Low-cost initiative

**Contact:** Louise Germain, Assistant Secretary, National Battlefields Commission, 390 de Bernières Avenue, Quebec, Quebec, G1R 2L7.  
Tel.: (418) 648-7289; Fax: (418) 648-3638.

# Citizenship and Immigration Canada

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## General Information

### Roles and Responsibilities

Citizenship and Immigration Canada was established in recognition of the significance of immigration in Canada and the links between the immigration function, the Citizenship Courts and programs to promote citizenship.

The department consolidates under one Minister the following immigration responsibilities: processing of immigration applications overseas and in Canada; visa requirements and refugee matters; enforcement; setting of immigration levels and selection criteria; settlement policies and programs; and federal-provincial relations on immigration matters. The department manages the services, programs and processes necessary for citizenship registration.

The Minister has responsibility for the Immigration and Refugee Board.

### Legislative Mandate

- Citizenship Act and Regulations
- Citizenship and Immigration Canada administers the following legislation:
  - Department of Citizenship and Immigration Act
  - Immigration Act and Regulations
  - Immigration Act Fees Regulations
  - Indochinese Designated Class (Transitional) Regulations
  - Indochinese Designated Class Regulations
  - Political Prisoners and Oppressed Persons Designated Class Regulations
  - Refugee Claimants Designated Class Regulations
  - Self-Exiled Persons Class Regulations

## Initiatives for 1995

CIC/95-1-O-1

### **Immigration Regulations, 1978 - Transportation, Assistance and Admissibility Loans**

The current regulations allow for transportation, assistance and admissibility loans to be issued to Convention refugees and designated-class persons (persons in refugee-like situations) on an interest-free basis for the life of the loan. These amendments will allow interest to be accrued on the balance owing on transportation, assistance and admissibility loans two years after issuance.

Changes to the Regulations will encourage earlier repayment of loans and allow the Minister to establish priorities for access to the loan fund. These measures will ensure that the loan program will continue to operate on a revolving basis and increase the availability of funds for other refugees and designated-class persons.

**Legal Authority:** Immigration Act, sections 114 and 119

**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-1.

**Contact:** Linda Parker, A/Director, Special Settlement Programs, Settlement Branch, Citizenship and Immigration Canada, Place du Portage, Phase II, 4th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 1L1. Tel.: (819) 994-3238; Fax: (819) 994-3673.

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CIC/95-2-O-1

### **Immigration Regulations, 1978 - Skilled Worker Immigrant Classes**

Changes to the Skilled Worker Program in 1995 will include revisions to the selection criteria, which will ensure a higher level of skills and abilities in those immigrant applicants who successfully pass the selection screen. There will also be significant changes to the selection system, which will make it easier to manage the number and quality of skilled worker immigrants.

These new regulations will create new immigrant classes for independents, self-employed persons, persons with arranged employment and persons in designated occupations.

**Legal Authority:** Immigration Act, section 114

**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-2.

**Contact:** Elizabeth Ruddick, Director, Economic and Demographic Research and Information, Strategic Research, Analysis and Information, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 1L1. Tel.: (819) 994-6345; Fax: (819) 994-2264.

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CIC/95-3-N-M

### **Immigration Regulations, 1978 - Business Immigrant Classes**

The department will make changes to the Business Immigration Program in 1995. To help the program contribute to Canada's economic growth and productivity, new regulations will be implemented. They will create new business immigrant classes and revise the existing criteria for business immigrant classes.

**Legal Authority:** Immigration Act, section 114

**Status:** This is a new initiative.

**Contact:** Meyer Burstein, Director General, Strategic Research, Analysis and Information, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 994-6346; Fax: (819) 994-2264.

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CIC/95-4-O-1

### **Citizenship Regulations (general)**

A new Citizenship Act is likely to be introduced in Parliament sometime in the fall of 1994. If this occurs, new Citizenship Regulations, which are essentially procedural in nature, will be required to provide administrative support for the new Citizenship Act.

**Legal Authority:** Citizenship Act (current), section 27

**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-3.

**Contact:** Richard Nolan, Registrar of Canadian Citizenship, Citizenship Registration and Promotion Branch, Citizenship and Immigration Canada, Jules Léger Building, 13th Floor, Room C7, 25 Eddy Street Hull, Quebec, K1A 1L1. Tel.: (819) 994-5749; Fax: (819) 997-2224.

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## **Citizenship Regulations (cost recovery)**

This regulatory initiative is intended to expand the range of chargeable services provided under the Citizenship Registration and Promotion Program and to increase existing fees. These changes may provide for the collection of fees for some citizenship services that have previously been provided free of charge to the public. Additionally, existing fees may be subject to a general increase.

On November 1, 1992, citizenship fees were subject to a general fee increase. In addition, the fee for grant of citizenship was increased again on April 1, 1993.

Cost and revenue analyses for citizenship services are initiated as circumstances warrant to ensure that fees are appropriate, given the legislative restrictions. Fee changes are introduced based on the results of these analyses.

**Legal Authority:** Citizenship Act (current), section 27; Financial Administration Act, section 19

**Status:** This is a recurring initiative.

**Contact:** Anne Sinclair, Director, Financial Planning, Analysis and Reporting Division, Corporate Management Sector, Citizenship and Immigration Canada, Place du Portage, Phase IV, 6th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-2784; Fax: (819) 953-0382.

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## **Immigration Act Fees Regulations - New and Modified Fees**

This regulatory initiative is intended to expand the range of chargeable services provided under the Immigration Program and to increase existing fees. These changes may provide for the collection of fees for some immigration services that have previously been provided free of charge to the public. Additionally, existing fees may be subject to a general increase.

In June 1994, existing fees for most immigration services were increased and fees were introduced for two services that had previously been provided free of charge. Cost-recovery fee exemptions were also amended and clarified.

Cost and revenue analyses for immigration services are initiated as circumstances warrant to ensure that fees are appropriate, given the legislative restrictions.

Fee changes are introduced based on the results of these analyses.

**Legal Authority:** Immigration Act, section 114; Financial Administration Act, section 19

**Status:** This is a recurring initiative.

**Contact:** Anne Sinclair, Director, Financial Planning, Analysis and Reporting Division, Corporate Management Sector, Citizenship and Immigration Canada, Place du Portage, Phase IV, 6th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-2784; Fax: (819) 953-0382.

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## **Immigration Regulations, 1978 - Visitor Visa Requirements**

Subsection 9(1) of the Immigration Act requires every visitor, except in the cases prescribed by regulation, to apply for and obtain a visa before appearing at a Canadian port of entry. Cases are prescribed through inclusion in Schedule II of the Immigration Regulations and exemptions are usually granted on the basis of nationality.

In the event that a serious immigration control problem involving citizens of a specific country emerges or that the fraudulent use of a specific, visa-exempt country's documents becomes a serious problem, it may be necessary to amend the Regulations to cancel the visa-exempt status of citizens of such countries. Likewise, as immigration control problems are resolved, usually following socio-political events within a specific country, or in situations where bilateral agreements require that certain categories of visitors be exempt from visa requirements, it may become necessary to add countries to Schedule II. These are ongoing initiatives.

Removals from or additions to the visa-exempt list are reactive measures to counteract abuse of the Immigration Act by non-genuine visitors from a specific country, or to provide for exemptions where immigration control problems are not in evidence.

Direct impact on Canadians and the Canadian economy is minimal.

**Legal Authority:** Immigration Act, subsections 9(1) and 114(1)

**Status:** This is a recurring initiative.

**Contact:** Brian Grant, Director, Control and Enforcement, Policy and Program Development Branch, Citizenship and Immigration Canada, Place

du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-7720; Fax: (819) 953-8452.

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CIC/95-8-O-M

### **Immigration Regulations, 1978 - General Agreement on Trade in Services (GATT)**

This regulatory change is required to meet Canada's liberalization offer in the event that an agreement is reached on Trade in Services under the current round of GATT negotiations. As a result of this change, service sellers would be treated the same as sellers of goods and buyers of goods and services, all of whom are exempt from the requirement to obtain an employment authorization. This change would permit reciprocal access to foreign markets for Canadian service sellers.

**Legal Authority:** Immigration Act, section 114

**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-9.

**Contact:** Brian Grant, Director, Control and Enforcement, Policy and Program Development Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-7720; Fax: (819) 953-8452.

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CIC/95-9-O-M

### **Immigration Regulations, 1978 - Family Class**

As part of the 10 year strategic framework, changes to the Immigration Regulations in 1995 will distinguish immediate family members and extended family members. Accompanying changes for managing family members admissions will allow immediate family members to be processed on demand without limit, and to be processed in Canada. The changes will also impose numerical limits on admissions of extended family members, with relief as appropriate, and introduce provisions for meaningful sponsorship arrangements.

**Legal Authority:** Immigration Act, section 114

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of CI-18.

**Contact:** M. J. Morton, A/Director, Immigrant and Visitor Policy, Policy and Program Development Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du

Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 994-6347; Fax: (819) 953-8452.

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CIC/95-10-N-L

### **Immigration Regulations, 1978 - Parent/Guardian Consent to Intercountry Adoption**

Canada recognizes foreign adoptions that create a legal relationship of parent and child and on this basis accepts adoptees as immigrants. The Immigration Act offers no protection for children or for families (birth or adoptive) involved in unregulated or fraudulent adoptions. In some countries, local child welfare authorities do not reliably examine the circumstances of an adoption and not all countries of origin require birth parent consent before an adoption is finalized. This initiative is intended to give visa officers authority to ask for adoption consents and to determine whether or not birth parents or guardians gave free and informed consent to the child's adoption.

**Legal Authority:** Immigration Act, section 114

**Status:** This is a new initiative.

**Contact:** M. J. Morton, A/Director, Immigrant and Visitor Policy Division, Policy and Program Development Branch, Policy Sector, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel: (819) 994-6347; Fax: (819) 953-8452

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CIC/95-11-O-L

### **Immigration Regulations, 1978 - Conformity with Revised Statutes, 1985**

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the Regulations that refer to renumbered sections of the Act or that use replaced terminology must be adjusted.

Adjustment of the Regulations will make them easier to understand and use and will ensure that their subject matter continues to have a secure legal foundation.

**Legal Authority:** Revised Statutes Act, 1985

**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-16.

**Contact:** Sylvie Doucet, A/Chief, Institutional and Legal Frameworks, Policy and Program Development Branch, Citizenship and Immigration Canada, Place



du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-9083; Fax: (819) 953-8492.

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CIC/95-12-O-M  
**Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions**

To respond more generously to refugees and those in refugee-like situations, a comprehensive review has been conducted to design a class to replace the current system of designated classes. At the same time, the private sponsorship provisions, by which private groups assist in refugee resettlement, have been restructured. These initiatives are the first major regulatory changes to refugee resettlement and private sponsorship since the late 1970s.

**Legal Authority:** Immigration Act, sections 6 and 114  
**Status:** This initiative appeared in the 1994 Regulatory Plan as part of CI-12 to CI-15.

**Contact:** Craig Goodes, Director, International Humanitarian and Resettlement Policy, International Refugee and Migration Policy Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 997-4424; Fax: (819) 994-2680.

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CIC/95-13-O-L  
**Immigration Regulations, 1978 - Employment Authorization Exemption**

This initiative is intended to allow persons who come into Canada at the request of Canadian police forces to engage in employment without an employment authorization in order to assist in a criminal investigation.

Subsection 18(1) of the Immigration Regulations, 1978, prohibits persons who are not Canadian citizens or permanent residents from engaging or continuing in employment in Canada without a valid and subsisting employment authorization. Subsection 19(1) of the Regulations exempts persons who seek to come into Canada to engage in certain classes of employment from the application of subsection 18(1).

This initiative is consistent with the legislated objectives, which are to maintain and protect the safety and good order of Canadian society, and to deny the use of Canadian territory to persons who are likely to engage in criminal activity. In an average year, the department processes 20 employment

authorization exemptions for persons coming to Canada to assist in a criminal investigation. Employment opportunities for Canadians are not affected.

**Legal Authority:** Immigration Act, section 114  
**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-7.

**Contact:** Ian B. Taylor, Director, Security Operations, Security Review, Case Management, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 994-6306; Fax: (819) 997-6825.

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CIC/95-14-O-L  
**Immigration Regulations, 1978 - Visa officers not required to determine whether a child in the custody of a non-immigrating parent is a member of an inadmissible class**

This initiative would make it unnecessary for a visa officer to determine whether a dependant of an applicant for an immigrant visa is a member of an inadmissible class if that dependant is a child who is under the custody or guardianship of the other parent who was never married to, and is not living with, the applicant. The present regulations refer only to children in the custody of a separated spouse or a former spouse. This will simplify the examination of the applicant because it is often difficult to examine these children, particularly when the applicant has been no contact with them for a long period of time. These children show no interest in accompanying the applicant to Canada.

**Legal Authority:** Immigration Act, section 114  
**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-17.

**Contact:** Brian McQuillan, Chief, Immigrant and Visitor Operations, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, 320 Queen Street, Place de Ville, 18th Floor, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-9026; Fax: (613) 941-9323.

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CIC/95-15-N-L  
**Immigration Regulations, 1978 - Definition of Spouse**

The definition of "spouse" in the Regulations will be amended so that, for the purposes of any application for landing, it will exclude a spouse where it is



determined that the marriage was entered into for the purpose of gaining admission to Canada.

With the coming into force of Bill C-86, there is clear authority to grant landing to certain persons who are already in Canada. In these cases, the applicant's dependants, including the spouse, are included in the application and are granted landing without the need to be examined as members of the family class. For cases abroad, visa officers have no authority to look at the intent of a marriage when processing applications for immigrant visas by persons who are not members of the family class. As a result, there is only a limited authority to exclude from an application a spouse who married the principal applicant for the sole purpose of becoming a permanent resident of Canada (a spouse of convenience). This anomaly has been used by persons who cannot otherwise qualify to apply for landing in Canada. The amendment will ensure that any "spouse of convenience" is not, for the purpose of an application for landing, a dependant of any one person named on that application.

**Legal Authority:** Immigration Act, section 114

**Status:** This is a new initiative.

**Contact:** Brian McQuillan, Chief, Immigrant and Visitor Operations, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, 320 Queen Street, Place de Ville, 18th Floor, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-9026; Fax: (613) 941-9323.

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CIC/95-16-N-L

### **Immigration Regulations, 1978 - Application for an employment authorization by a person in Canada**

An amendment to the Regulations is needed to allow issuance of employment authorizations in compliance with certain provisions of Annex 1603 of the North American Free Trade Agreement as defined in subsection 2(1) of the North American Free Trade Agreement Implementation Act (NAFTA Act).

The amendment to the Regulations will allow citizens of the United States of America and citizens of Mexico who qualify for employment in Canada, pursuant to provisions in the NAFTA, to apply for employment authorizations while they are in Canada, to the extent that the treatment of Canadian citizens in the United States and Mexico is reciprocal. This amendment will reciprocate treatment currently accorded to Canadian citizens in the United States and Mexico.

**Legal Authority:** Immigration Act, subsection 10(c)

**Status:** This is a new initiative.

**Contact:** Eunice Bartolucci, Project Manager, NAFTA Implementation, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, 320, Queen Street, Place de Ville, 18th Floor, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-8996; Fax: (613) 941-9323.

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CIC/95-17-O-L

### **Immigration Regulations, 1978 - Pending Criminal Charges**

Subsection 11.41 of the Immigration Regulations authorizes the delay in finalizing applications by members of a class of immigrants referred to in section 11.2 of the Regulations if those members have committed certain criminal offences in Canada.

Under the current regulations, an applicant for a Canadian immigrant visa in a class other than those described in section 11.2 would remain eligible even if there were outstanding criminal charges pending in Canada. While such an applicant could be ineligible on the basis of subsection 19(1)(c.1)(ii) of the Immigration Act if the charges were pending outside Canada, in the case of charges pending before a Canadian court, the applicant would remain eligible and could be landed if he or she met the other requirements.

Changes to the Regulations will ensure that all applicants who have committed certain criminal offenses in Canada will face a delay in the finalization of their applications, regardless of the class in which they have applied.

**Legal Authority:** Immigration Act, section 114

**Status:** This initiative appeared in the 1994 Regulatory Plan as CI-20.

**Contact:** Alain Th  ault, Deputy Director, Program Coordination Division, International Services Group, Citizenship and Immigration Canada, Place du Portage, Phase IV, 3rd Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 997-5970; Fax: (819) 994-0215.

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## **Immigration Regulations, 1978 - Alternative Examination of Persons Seeking to Enter Canada**

The current regulations that establish the classes of persons permitted to use alternative means of examination are too restrictive. For example, Remote Area Border Crossing is currently restricted to permanent residents and citizens of Canada and the United States and applies solely to remote areas. Each time a new alternative system is developed, a regulatory change is required in order to implement it. There is no allowance for implementation of new processes of examination, nor is there any flexibility for an immigration officer to adjust the manner of examination as required. However, both of these are necessary to prevent abuse of innovative methods of examination while, at the same time, maintaining the integrity of the program. It is necessary to rephrase the current regulations in more generalized terms in order to simplify them and make it possible to initiate new processes of examination in a timely and reasonable fashion.

The various methods of alternative examination will be prescribed by instrument, which will outline terms and conditions for each procedure developed.

**Legal Authority:** Immigration Act, section 114

**Status:** This is a new initiative.

**Contact:** Larry Gafenco, Chief, Inspection and Liaison, Port of Entry Control, Enforcement Branch, Citizenship and Immigration Canada, 320 Queen Street, Place de Ville, 18th Floor, Ottawa, Ontario, K1L 1L1. Tel.: (613) 947-6164; Fax: (613) 947-6173.

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## General Information

### Roles and Responsibilities

Environment Canada's statutory mandate is derived from the Government Organization Act, 1970. The Act establishes the powers and duties of the Minister of the Environment.

These include all matters over which Parliament has jurisdiction and that relate to preservation of the natural environment and enhancement of its quality, including water, air and soil quality; conservation of wildlife, including migratory birds and non-domestic flora and fauna; conservation of water resources and enforcement of rules and Regulations arising from the advice of the International Joint Commission relating to boundary waters and questions arising between the United States and Canada which relate to the preservation and enhancement of environmental quality; meteorology; and, other federal matters relating to the natural environment assigned to the Minister.



The Act also specifies the duties of the Minister in carrying out these responsibilities, including programs to promote adoption of objectives or standards relating to environmental quality and pollution control; mitigate the adverse environmental impact of new federal projects; and provide Canadians with environmental information.

## **Legislative Mandate**

The following legislation is administered by the department:

- Canada Water Act
- Canada Wildlife Act
- Canadian Environmental Assessment Act (not yet proclaimed)
- Canadian Environmental Protection Act
- Canadian Environment Week Act
- Department of the Environment Act
- Game Export Act
- International River Improvements Act
- Lac Seul Conservation Act
- Lake of the Woods Control Board Act
- Migratory Birds Convention Act
- National Wildlife Week Act
- National Round Table on the Environment and the Economy Act
- Resources and Technical Surveys Act
- Weather Modification Information Act
- Wild Animal and Plant Protection Act and Regulation of International and Interprovincial Trade Act (not yet proclaimed)

## **Administrative Arrangements**

The department administers sections 36 to 42 of the Fisheries Act, on behalf of Fisheries and Oceans. These provisions contain the general prohibition against deposit of any harmful or deleterious substance into waters frequented by fish and describe regulatory authorities, inspectors' powers, ministerial powers, offences and penalties.

Further, the department has an advisory role for the administration of other legislation for which other federal departments are responsible, but where scientific technical advice on environmental impacts is required. Examples of such legislation are the Motor Vehicle Safety Act, the Arctic Waters Pollution Prevention Act, the Northern Inland Waters Act, the Pest Control Products Act and the Transportation of Dangerous Goods Act.

## **REGULATORY REVIEW**

As part of a government-wide initiative beginning in 1992, the department undertook a review of its regulations to identify regulations that significantly hinder Canadian competitiveness or impose needless costs on consumers. The review has identified opportunities for streamlining, simplification and consolidation. As a result of the regulatory review, amendments will be made to some regulations administered by Environment Canada.

To achieve progress in environmental protection and conservation, Canada is accelerating its shift to pollution prevention. Both government and the private sector are already moving away from "react and cure" solutions to "anticipate and prevent" actions in support of sustainable development.

In moving towards pollution prevention, Environment Canada is examining alternative approaches such as economic instruments and voluntary action. This will ensure a balanced use and combination of the tools available to effect environmental improvement. Regulations will continue to be used where appropriate, but the use of alternatives in resolving emerging issues is being given greater scrutiny.

To this end, Environment Canada has introduced the Strategic Options Process (SOP), the objective of which is to determine the most effective and efficient mechanism or combination of mechanisms to manage environmental issues. Using existing scientific, technical and socio-economic information, the SOP takes a multi-stakeholder approach to the review of all feasible technical options to address an environmental problem, including in-plant pollution prevention options, and all possible measures to achieve the desired objective.

## **Initiatives for 1995**

### **Environmental Protection Service**

EC/95-1-O-1

#### **Petroleum Refinery Liquid Effluent Regulations and Guidelines - Amendment**

This initiative will be undertaken to revise and update the existing regulations and guidelines to reflect changes in the industry, current analytical methodology and increased emphasis on toxic chemicals. It is also intended to harmonize federal and provincial requirements. The technical details related

to the application and interpretation of the current regulations will also be addressed.

Oil refineries in Canada are subject to federal regulations and guidelines, provincial regulations or permit systems, and, in some cases, municipal by-laws. The Canadian Petroleum Products Institute (CPPI) has indicated that it would like to see this overlap removed by elimination of federal regulations where provincial regulations and permits achieve the same results. CPPI has also indicated that these are based on specific limits that, once met, do not encourage further reduction or elimination of regulated pollutants in effluents. The general provisions of the Fisheries Act would be available to ensure protection of the fisheries.

The Environment Canada Regulatory Review has concluded that changes to the regulations should be considered. From an environmental perspective, there is a continuing need for a national standard for petroleum refinery effluent releases. At the same time, to improve the efficiency of regulating refinery effluents, the overlap with similar provincial regulations needs to be eliminated.

**Legal Authority:** Fisheries Act, sections 34 and 34

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-9.

**Contact:** R. White, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

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EC/95-2-O-L

### **Fuels Information Regulations No. 1 - Amendment**

The purpose of this initiative is to revoke section 5 of the Fuels Information Regulations No. 1 (1973). This amendment would delete the requirement for information on additives in liquid fuels. The data on the sulphur content of fuels obtained under the regulations serves to meet Canada's obligations under the Canada-United States Air Quality Accord, the Federal-Provincial Acid Rain Agreements, UN-ECE Protocol on the reduction of SO<sub>2</sub> emissions. In contrast, the requirement to report liquid fuel additives appears to generate information that serves no useful or clear purpose. Past experience has shown that the Department does not need the data in all cases, but only in certain specific situations. In these instances, section 18 of the Canadian Environmental Protection Act can be applied to obtain the required

information. This initiative would therefore reduce the burden on industry by ceasing collection of data that is not required.

**Legal Authority:** Canadian Environmental Protection Act, section 18

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-10.

**Contact:** R. White, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

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EC/95-3-N-L

### **Pulp and Paper Effluent Regulations - Amendment**

Amendments to the Pulp and Paper Effluent Regulations under Section 36 of the Fisheries Act were published in Part II of the *Canada Gazette* in May 1992. The regulations will come into full effect for all mills on January 1, 1996. During the interim period, it has become clear that further, relatively minor amendments should be considered to improve the clarity and uniformity of the application of the regulations.

**Legal Authority:** Fisheries Act, section 36

**Status:** This is a new initiative.

**Contact:** Hugh Cook, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-3714; Fax: (819) 994-7762.

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EC/95-4-N-L

### **Repeal of the Potato Processing Plant Liquid Effluent Regulations**

As a result of the Environment Canada Regulatory Review, the above regulation will be repealed after updating the industry inventories, and consultations with the involved stakeholders. This decision is consistent with the federal government's endeavour to avoid duplication of provincial efforts, since a large percentage of the industry's effluents goes to municipal sewers.

**Legal Authority:** Fisheries Act, section 36

**Status:** This is a new initiative.

**Contact:** Jim Haskill, Industrial Sectors Branch, Environmental Protection Service, Environment

Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-6629; Fax: (819) 994-7762.

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EC/95-5-N-L

### **Repeal of the Meat and Poultry Products Plant Liquid Effluent Regulations**

As the result of the Environment Canada Regulatory Review, the above regulation will be repealed after updating the industry inventories, and consultations with the involved stakeholders. This decision is consistent with the federal government's endeavour to avoid duplication of provincial efforts, since a large percentage of the industry's effluent goes to municipal sewers.

**Legal Authority:** Fisheries Act, section 36

**Status:** This is a new initiative.

**Contact:** Jim Haskill, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-6629; Fax: (819) 994-7762.

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EC/95-6-O-I

### **Storage Tank Systems Registration Regulations and Technical Guidelines**

In recent years, most provinces have developed regulatory instruments to prevent pollution from underground storage tank systems.

In a proactive effort to prevent underground storage tanks located on federal lands from causing environment problems, Environment Canada is in the process of promulgating Canadian Environmental Protection Act, section 53 Technical Guidelines for Underground Storage Tank Systems. These guidelines adopt the technical recommendations that are contained in the Canadian Council of Ministers of the Environment publication "Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products March 1993."

In addition, where a federal government department requests tank registration regulations, Environment Canada will consider promulgating them for that department. The purpose of the registration regulations is to enable federal departments to obtain information that makes it possible to measure progress in managing storage tank systems according to the technical requirements of the Canadian Environmental Protection Act, section 53 guidelines.

**Legal Authority:** Canadian Environmental Protection Act, sections 53 and 54

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-12.

**Contact:** K. Karr, Industrial Sectors, Environmental Protection Service, Environment Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1125; Fax: (819) 953-8903.

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EC/95-7-O-I

### **PCB Regulations - Amendment**

The PCB Regulations are intended to replace the Chlorobiphenyl Regulations. They will clarify prohibitions and exemptions of PCBs in any product manufactured in, or imported into, Canada. The amendment will also specify levels at which a product can be sold, used or released to the environment.

**Legal Authority:** Canadian Environmental Protection Act, section 34

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-5.

**Contact:** L.P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

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EC/95-8-O-I

### **Confidential Information Regulations**

These regulations were originally proposed to be one of two sets of Regulations: Confidential Names of Substances and Requests for Confidentiality. Through consultations with stakeholders, proposals have changed to combining the two regulations in one and then back to separate sets of regulations; the Masked Name Regulations and the Confidential Information Regulations. The Masked Name Regulations were published in the *Canada Gazette*, Part II, April 6, 1994.

The Confidential Information Regulations will specify supplementary information that must accompany requests for confidentiality.

**Legal Authority:** Canadian Environmental Protection Act, section 22

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-4.



**Contact:** L.P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

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EC/95-9-O-M

### **New Substances Notification Regulations - Amendment (Part III-Biotechnology Products)**

The Canadian Environmental Protection Act requires that all substances new to Canada be tested and the findings of the tests be reported to the Minister of the Environment before the substances are manufactured or imported. The New Substances Notification Regulations were published in the *Canada Gazette*, Part II, in 1994 for Part I - Substances other than Polymers or Biotechnology Products and Part II - Polymers. The Regulations will be amended to include information requirements associated with the manufacture or importation of biotechnology products.

**Legal Authority:** Canadian Environmental Protection Act, section 32

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-2.

**Contact:** L.P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

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EC/95-10-N-L

### **Prohibited Substances Regulations**

A number of Canadian Environmental Protection Act regulations prohibit the use of certain substances. The purpose of this set of regulations is to consolidate several sets into one and to provide for the ability to add substances. This proposal is the result of recommendations made during Environment Canada's Regulatory Review. The existing Regulations to be consolidated include Polybrominated Biphenyls Regulation, 1989; Polychlorinated Terphenyls Regulations, 1989; and, Mirex Regulations, 1989. It is also intended to add chloromethyl methyl ether and bis (chloromethyl) ether to the Prohibited Substances Regulation. These two ethers were on the Priority Substances List and were found to be toxic. Since they

are not manufactured, imported, used or sold in Canada, prohibition would prevent their introduction into Canadian commerce.

**Legal Authority:** Canadian Environmental Protection Act, section 34

**Status:** This is a new initiative.

**Contact:** L.P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

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EC/95-11-N-M

### **Ozone-Depleting Substances-Amendment to Control Hydrochlorofluorocarbons (HCFCs)**

Canada, as a party to the Montreal Protocol on Substances that Deplete the Ozone Layer, must take the necessary measures to implement the requirements of this international treaty. The Canadian government is also committed to supplementary domestic measures with regards to HCFCs.

The Ozone-Depleting Substances Regulations will be amended to control the Canadian consumption of hydrochlorofluorocarbons (HCFCs) starting January 1, 1996. These amendments will reflect Canada's international and domestic commitments.

A preliminary study estimated the costs of these controls to have a present discounted value of \$270 millions (1992 dollars). The same study estimated the present discounted value of the benefits to Canadian society to be \$1.4 billion (1992 dollars).

**Legal Authority:** Canadian Environmental Protection Act, section 34

**Status:** This is a new initiative.

**Contact:** Bernard Madé, A/Head, Ozone Protection Programs Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 994-3249; Fax: (819) 953-4936.

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EC/95-12-O-L

### **Experimental Spill Regulations**

The Fisheries Act will be amended to permit the discharge of deleterious substances. Requirements for the experiments and substances to be discharged are included. The amendment and regulation will enable limited oil and chemical experimentation to improve countermeasures for spills.

**Legal Authority:** Fisheries Act, section 36(5)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-7.

**Contact:** D. Thornton, Director, River Road Environmental Technology Centre, Technology Development Branch, Environmental Protection Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel.: (613) 991-9550; Fax: (613) 998-0004.

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EC/95-13-O-L

### **Hazardous Waste Management at Federal Facilities**

An assessment has been carried out and the appropriate control option is being identified concerning the requirements of on-site and off-site management of hazardous waste. The control option will be consistent with provincial regulations governing the operations of the federal facilities as well as industries under federal jurisdiction. The control option is needed to ensure that federal facilities are held accountable for their management of hazardous wastes.

**Legal Authority:** Canadian Environmental Protection Act, section 54

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-6.

**Contact:** D. Campbell, Hazardous Waste Management Division, Office of Waste Management, Environmental Protection Service, Department of the Environment, 12th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1119; Fax: (819) 997-3068.

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### **Environmental Conservation Service**

EC/95-14-R-L

### **Migratory Birds - Annual Game Bird Hunting**

The Migratory Birds Regulations are amended annually to identify season dates, hunting areas,

species which may be hunted, and bag and possession limits, in order to protect the species from over-exploitation. Non-toxic shot hunting zones are also designated in order to reduce the potential for lead poisoning of waterfowl caused by the ingestion of lead shot pellets which remain in wetlands after hunting. Adequate populations of migratory game birds must be maintained to sustain the benefits of these species and to prevent them from becoming threatened or endangered.

According to estimates based on the 1991 Statistics Canada National Survey on the Importance of Wildlife to Canadians, migratory bird populations generated over \$53 million of annual direct benefits to Canadian participants in recreational waterfowl hunting activities. \$177 million in expenditures was associated with all these activities. These expenditures resulted in a contribution of almost \$223 million to the Gross Domestic Product, and sustained over 4,024 jobs. Federal and provincial tax revenue from expenditures associated with these activities was estimated at \$98 million.

Time constraints necessitate an annual request for exemption from pre-publication in Part I of the *Canada Gazette*.

**Legal Authority:** Migratory Birds Convention Act, section 12

**Status:** This is a recurring initiative.

**Contact:** Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

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EC/95-15-O-L

### **Migratory Birds, Migratory Bird Sanctuary, and Wildlife Area Regulations - General**

According to estimates based on the 1991 Statistics Canada National Survey on the Importance of Wildlife to Canadians, there are clear benefits to Canadians resulting from the protection of wildlife and of areas important for wildlife. According to the Survey, economic impact of recreational activity associated with all types of terrestrial wildlife, not just migratory waterfowl, is substantial: a contribution of \$7 billion to the Gross Domestic Product, \$3.1 billion in government revenue from taxes, and 126,440 jobs, which represent \$3.8 billion in personal income for Canadians. These economic benefits are conservative and do not attempt to quantify the many other

benefits of migratory birds as intrinsically important components of ecosystems, or their social, cultural, and spiritual importance to Canadians. Over 83% of Canadians have stated that conserving healthy populations of wildlife is important.

Many regulatory changes which are simple and non-controversial have been made, and consultation on the preliminary findings and recommendations resulting from the review has been completed. The process to implement changes has been initiated, and will continue into 1996.

**Legal Authority:** Migratory Birds Convention Act, section 12; Canada Wildlife Act, section 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-19.

**Contact:** Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 Boul St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/95-16-O-L

### **Wildlife Area Regulations - Establishment or Change to Boundaries of National Wildlife Areas**

The Wildlife Area Regulations will be amended to establish the following National Wildlife Areas (NWAs): Igalirtuq (Isabella Bay in Northwest Territories); Porto-bello Creek (New Brunswick); CFB Suffield (Alberta); Nirjutiqavvik (Coburg Island in Northwest Territories), and Nisutlin Delta River (Yukon). In addition, the Regulations will be amended to change the boundaries of existing NWAs. Cap Tourmente, Pointe de l'Est, Lake St. François, Pointe-au-Père, Îles de Contrecoeur, and Îles de l'Estuaire in Quebec; Shepody and Tintamarre in New Brunswick; and Chignecto in Nova Scotia will be enlarged. Îles de la Paix in Quebec will be reduced. Other NWAs, not listed, may be designated or their boundaries changed through amendments. The amendments will serve to conserve key habitat for wild organisms, and in one case, dispose of a portion of an area which no longer has conservation value.

The Canada Wildlife Act was amended on June 23, 1994. The scope of the Act has been broadened from any non-domestic animal to include all wild animals, plants and other organisms. The benefits of protected status for wild organisms and habitat are significant for Canada. NWAs, like other protected areas, also play an important educational

role in making Canadians aware of their natural heritage and instilling respect for the ecosystems on which all life depends. Protected areas are also of importance in Canada and internationally, in terms of both tourism and prestige. Benefits also accrue locally. Significant economic opportunities for local service-related businesses can result from National Wildlife Areas.

**Legal Authority:** Canada Wildlife Act, section 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-20, except for new initiatives, Chignecto, and those which appeared in the 1994 Regulatory Plan as a future initiative - Igalirtuq (Isabella Bay), Îles de Contrecoeur, Îles de l'Estuaire, and Tintamarre.

**Contact:** Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 Boul St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/95-17-N-L

### **Migratory Bird Sanctuary Regulations - Establishment or Change to Boundaries of Migratory Bird Sanctuaries**

The Migratory Bird Sanctuary Regulations will be amended to establish a Migratory Bird Sanctuary (MBS) at Inkerman (New Brunswick) and Gros Mécatina (Murre Rock in Quebec). The following MBSs will have amendments made to their boundaries: Port Hebert (Nova Scotia); Kendall Island (Northwest Territories); and Montmagny and Île Carillon (Quebec). Other MBSs will be revoked: Îles de la Paix, Île St-Ours, Kamouraska Island, Îles Pèlerins, Îles du Pot à l'eau-de-vie, Île aux Fraises, and Île Blanche (Quebec); Fielding, Young Lake and Guelph (Ontario); and Cape Dorset (Northwest Territories). Amendments involving MBSs not listed above may also be made.

Established MBSs are regularly reviewed to ensure that they still benefit migratory birds and thus warrant sanctuary status. Some of the amendments are a result of these reviews. Portions of the MBSs which no longer have migratory bird conservation benefits will be considered for exchanges, transfer or other measures, so that there is no overall reduction to the habitat community. Also, it is proposed to revoke the sanctuary status of areas which already have the status of, and are protected as, National Wildlife Areas. Please refer to the information provided relating to Wildlife Area Regulations for a description



of the benefits derived from protected areas such as sanctuaries.

**Legal Authority:** Migratory Birds Convention Act, section 12

**Status:** These initiatives appeared in the 1994 Regulatory Plan as future initiatives, except for initiatives: Inkerman (New Brunswick); Port Hebert (Nova Scotia); and Îles de la Paix.

**Contact:** Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 Boul St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

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EC/95-18-N-I

### **Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Regulations - New Regulations**

New regulations to be developed under the provisions of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) will incorporate the permit requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Other elements of the regulatory package are to be developed in response to the new provisions of WAPPRIITA. On December 17, 1992, WAPPRIITA received Royal Assent. However, regulations must be made before the Act can be proclaimed and enter into force as a law of Canada. The existing regulatory regime for CITES under the Export and Import Permits Act will be revoked.

The new Act, once proclaimed, will protect Canadian and foreign wildlife species from illegal trade. It will also protect Canadian ecosystems against the introduction of designated harmful species. These objectives will be achieved through the new regulations which will control trade in wild animals and plants.

Public consultation to develop the Regulations began in June 1993 with the mailing of a comprehensive "Regulatory Options" document. Regulatory proposals were then circulated in November 1993. Draft regulations have been developed in consideration of the responses received from the mailings. They have been provided to the provinces and territories for comment, and will be distributed to the public for review before the new regulations are made in 1995.

**Legal Authority:** Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA), section 21

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 Boul St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

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EC/95-19-N-L

### **Migratory Birds - Increase to Migratory Game Bird Hunting Permit Fee**

This amendment will increase the price of the Migratory Game Bird Hunting Permit fee from \$3.50 to \$4.50 on a cost-recovery basis, and would be the first increase since 1974. The Migratory Birds Regulations prohibit the hunting of migratory game birds without the Permit. The Regulations also require that the Habitat Conservation Stamp be affixed to the Permit. The cost of the Stamp, currently \$8.50, will remain unchanged. A total cost of \$13.00 would result. The fee for this Permit and Stamp appears under items 1 and 9 of Schedule II to the Regulations.

**Legal Authority:** Migratory Birds Convention Act, section 12

**Status:** This is a new initiative.

**Contact:** Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 Boul St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

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### **Federal Environmental Assessment Review Office**

EC/95-20-O-L

#### **Projects Outside Canada**

This regulation will adapt the federal environmental assessment process for projects to be undertaken outside of Canada and any federal lands, for example, projects to be carried out under international development assistance programs.

The regulation will ensure that projects outside Canada comply with the principles of the Canadian Environmental Assessment Act (CEAA). At the same time, the regulation will ensure that the sovereignty of

foreign states is respected, that assessments are conducted in accordance with the principles and practice of international law, and that environmental assessment procedures suit conditions present in foreign states.

Given that the CEAA applies to projects outside Canada in the absence of a regulation, environmental assessment costs incurred by federal authorities are not likely to be higher if the regulation is promulgated. Such costs may be lower since the regulation may limit the legal responsibilities of responsible authorities to carry out certain elements of the environmental assessment process under the CEAA. Benefits of the regulation may include better decisions by responsible authorities about projects from environmental and economic perspectives.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(i)(ii)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-27.

**Contact:** Martin Green, Director General, Intergovernmental and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7708; Fax: (819) 953-8592.

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EC/95-21-N-L

### One Project, One Assessment

The One Project, One Assessment regulation will set out a process to be followed in situations where several federal authorities are required to conduct a federal environmental assessment for one project. Such cases are expected to arise for large projects, since federal authorities may be involved as proponents, through issuing licences or permits, through funding, or through responsibility for federal land. The goal of the One Project, One Assessment regulation is to ensure, as far as possible, that there is a single federal environmental assessment for each project subject to the Canadian Environmental Assessment Act (CEAA), without compromising the intent of the Act.

The procedure will identify all the federal authorities involved in a project as responsible authorities at an early stage in the planning process. The responsible authorities identified will then co-ordinate with one another to submit a single environmental assessment and record of decision. Complementary environmental assessments will only be required

when an additional responsible authority becomes involved in the project after a decision is submitted, or the project proposal is significantly altered.

The One Project, One Assessment regulation will result in an efficient allocation of funds available for environmental assessment through eliminating duplication of work by different federal authorities. This regulation will not involve any additional financial or environmental costs.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(a)

**Status:** This is a new initiative.

**Contact:** Brad Parker, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 953-5044; Fax: (819) 953-8592.

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EC/95-22-O-M

### Procedural Regulations

The procedural regulations and guidelines for federal authorities required to conduct federal environmental assessments are in the process of being developed. Together the regulations and guidelines may include: specific criteria for screenings, comprehensive studies, mediation and panel reviews; guidance on determining the scope of a project and of an environmental assessment; requirements for public notice; the time-frames for different stages of the process; and the procedural rights of participants in panel reviews and mediations.

The goal of this package of procedural regulations and guidelines is to ensure that the federal environmental assessment process is fair, timely and efficient. Consideration is being given to the subjects most suitable for regulation, and the subjects for which guidelines would be more appropriate. Regulations promote consistency and certainty, while guidelines are flexible and less formal. In many areas, guidelines may be more appropriate for the 'start-up' phase of the new process; regulation could then be considered once the process is underway and can be evaluated in practice.

These regulations and guidelines will lead to better decisions by responsible authorities about projects from environmental and economic perspectives. The regulation may have quantifiable costs.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(a)



**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-31.

**Contact:** Lawrence Alexander, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 997-5943; Fax: (819) 953-8592.

EC/95-23-O-M  
**Indian Reserve Lands/Indian Band Funding**

This regulation will adapt the federal environmental assessment process to projects to be carried out on Indian reserves, surrendered or other lands that are vested in Her Majesty and subject to the Indian Act. The regulation will also set out the manner of conducting any assessment of the environmental effects of, and follow-up programs for, a project for which a person or body receives financial assistance provided by a federal authority for the purpose of enabling the project to be carried out on a reserve that is set apart for the use and benefit of an Indian band.

The Regulation will ensure that First Nations have authority to conduct environmental assessments of projects proposed to be carried out on Indian Reserves where First Nations are the primary decision-makers, and also where federal financial assistance is being provided for the benefit of an Indian band. As a result, the First Nations will not be placed at a competitive disadvantage, and duplication of processes with other jurisdictions will be minimized.

This regulation may result in environmental assessment administration costs to First Nations higher than would be incurred if the regulation were not promulgated. These costs are likely to be offset, at least in part, by lower costs incurred by federal authorities which may delegate CEAA assessments to Band Councils and defray the costs. Benefits of the regulation include better decisions by First Nations about projects from environmental and economic perspectives. Another benefit of the regulation will be a greater empowerment among First Nations with respect to projects affecting them.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(i)(i), (l)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-26.

**Contact:** Michel Girard, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor,

Fontaine Building, Hull, Quebec, K1A 0H3.  
Tel.: (819) 953-4578; Fax: (819) 953-8592.

EC/95-24-O-M  
**Crown Corporations and Harbour Commissions**

These regulations will set out the manner of conducting assessments of the environmental effects of, and follow-up programs for, projects for which Crown corporations within the meaning of the Financial Administration Act, their majority-owned subsidiaries, and harbour commissions are responsible.

The regulations will describe variations of the federal environmental assessment process. The variations will take into account the particular commercial and competitive circumstances of the Crown corporations and harbour commissions, and the diversity of their activities and responsibilities. It is anticipated that the environmental policies and initiatives of Crown corporations and harbour commissions will be used as a foundation for the environmental assessment process described in the regulations. These regulations will also provide for flexibility in applying environmental assessment to projects outside Canada undertaken by Crown corporations and harbour commissions, based on the Projects Outside Canada regulation.

Under the Canadian Environmental Assessment Act (CEAA), Crown corporations and harbour commissions are required to carry out assessments of the environmental effects of projects in the absence of a regulation. However, the regulation may result in environmental assessment administration costs to Crown corporations and harbour commissions higher than would be incurred if the regulation were not promulgated. The regulation will likely not affect the competitiveness of commercial Crown corporations. Benefits of the regulation include better decisions about projects from environmental and economic perspectives.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(j),(k)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-25.

**Contact:** Michel Girard, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3.  
Tel.: (819) 953-4578; Fax: (819) 953-8592.



## Offshore Boards

This regulation will adapt the federal environmental assessment process to projects carried out by offshore boards which are established jointly under federal and provincial law. It will ensure that projects carried out by offshore boards comply with the principles of the Canadian Environmental Assessment Act (CEAA). The regulation will apply to the Canada-Nova Scotia Offshore Petroleum Board and the Canada-Newfoundland Offshore Petroleum Board.

This regulation may result in environmental assessment administration costs to offshore boards that are higher than would be incurred if the regulation were not promulgated. The key benefit of the regulation is that regulatory decisions of Offshore Boards with respect to offshore oil and gas projects would be subject to CEAA. The regulation should also lead to better decisions by the Offshore Boards about projects from environmental and economic perspectives.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(i)(v)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-28.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 997-2217; Fax: (819) 953-8592.

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## Minimal Federal Involvement

The Minimal Federal Involvement regulation will set out projects or classes of projects for which a federal environmental assessment is not required, as the contribution of the responsible authority to the project in exercising its duties in relation to the project is minimal. It will ensure more effective use of federal resources devoted to environmental assessment, and avoid duplication of environmental assessment processes and undue delays for those projects having minimal federal involvement.

The key benefit of this regulation is to reduce environmental assessment administration costs for projects where the federal contribution is minimal. Small additional administration costs associated with determining if the regulation applies may be incurred. In addition, there may be environmental costs

resulting from the lack of an environmental assessment due to the application of the regulation.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(c)(ii)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-29.

**Contact:** Brad Parker, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 953-5044; Fax: (819) 953-8592.

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## National Security (Exclusion List)

Certain projects and classes of projects may be excluded from CEAA for reasons of national security. To that end, an "exclusion list" of projects or classes of projects that will not be subject to the environmental assessment process is being created where an environmental assessment would be inappropriate for reasons of national security. This "exclusion list" is being developed in collaboration with the Department of National Defence.

Because the regulation excludes projects where an environmental assessment would be inappropriate for reasons of national security it is possible that some projects may be found to have significant environmental effects. The benefits associated with the regulation are a better allocation of available funds to projects that may pose a higher risk to the environment and the benefits associated with national security measures.

**Legal Authority:** Canadian Environmental Assessment Act, section 59(c)(i)

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-30.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 997-2217; Fax: (819) 953-8592.

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## Corporate Services

EC/95-28-O-L

### **Fees and Charges for Special Services**

By ministerial order, the Minister of the Environment will prescribe new fees and increase existing fees and charges paid by persons obtaining special meteorological services, water and land data services, professional services and the use of special facilities provided by the Department. These changes are necessitated by increases in the costs of providing these services as well as the inclusion of new services.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This initiative appeared in the 1994 Regulatory Plan as EC-33.

**Contact:** Harold Humber, Director, Financial Planning and Resource Analysis Branch, Corporate Services, Environment Canada, 3rd Floor, Les Terrasses de la Chaudière, 10 Wellington St., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1405; Fax: (819) 953-2459.

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## Atmospheric Environment Service

EC/95-29-N-L

### **The Weather Modification Information Act**

The Act provides for the obtaining of information on weather modification activity. The Act will be amended to change the modification period from 10 to 30 days. The Act requires weather modifiers to disclose information and a longer period of notification is more realistic.

**Legal Authority:** The Weather Modification Information Act

**Status:** This is a new initiative.

**Contact:** R. Poersch, Climate and Atmospheric Research Directorate, Atmospheric Environment Service, Environment Canada, 4905 Dufferin Street, Downsview, Ontario, M3H 5T4. Tel.: (416) 739-4616; Fax: (416) 739-4211.

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## **Future Initiative**

### **PCB Regulations - a consolidation of the PCB Regulations, PCB Waste Export Regulations, Storage of PCB Material Regulations and the Federal Mobile PCB Treatment and Destruction Regulations**

The consolidation of all Regulations related to PCBs would provide, in one document, all of the requirements for managing PCBs. There could be some segregation by putting the existing Regulations into separate parts of the new Regulations. However, such requirements as labelling, reporting, sampling and analysis would appear once in their own parts or sections.

**Legal Authority:** Canadian Environmental Protection Act, section 34

**Status:** This is a new initiative.

**Contacts:** D. Campbell, Head, Control Section, Hazardous Waste Management Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1119; Fax: (819) 953-0508, or

L.P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 Boul. St. Joseph, Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

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## General Information

### Roles and Responsibilities

Finance Canada operates under sections 14-16 of the Financial Administration Act, which provides the Minister with the broad responsibility for the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to the Treasury Board of Canada or to any other Minister.

Finance Canada is the central agency of the federal government responsible for advice on the economic and financial affairs of Canada. It is concerned with all aspects of the performance of the Canadian economy. It oversees all government actions affecting the economy to ensure harmony, follows the development of external factors that bear on domestic economic performance, and examines the economic actions taken by other orders of government.

The department's most visible output is the federal budget. The budget speech provides an authoritative

review of past, present and future economic factors that will affect the country's economic performance and the nation's finances. This document reviews the government's accounts and presents its fiscal projections. These include the government's expenditure program, revenues from existing sources, taxation changes and debt levels.

### Legislative Mandate

Finance Canada is wholly or partly responsible for administering the following acts:

- Bank Act
- Bank of Canada Act
- Bills of Exchange Act
- Bretton Woods and Related Agreements Act
- Canada Deposit Insurance Corporation Act
- Canada Development Corporation Reorganization Act
- Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act
- Canada Pension Plan Act
- Canada Student Loans Act
- Canada-United States Free Trade Agreement Implementation Act, Part II Procurement Review Board
- Canadian International Trade Tribunal Act
- Canadian Payments Association Act
- Canadian Wheat Board Act
- Cooperative Credit Association Act
- Currency Act
- Customs and Excise Offshore Application Act
- Customs Tariff
- Debt Servicing and Reduction Account Act
- Diplomatic Service (Special) Superannuation Act
- European Bank for Reconstruction and Development Agreement Act
- Excise Act
- Excise Tax Act
- Farm Improvement and Marketing Cooperatives Loans Act
- Farm Income Protection Act
- Federal Business Development Bank Act
- Federal-Provincial Fiscal Revision Act
- Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act
- Financial Administration Act
- Fisheries Improvement Loans Act
- Garnishment, Attachment and Pension Diversion Act
- Income Tax Act
- Income Tax Convention Acts and Income Tax Conventions Interpretation Act

- Insurance Companies Act
- Interest Act
- International Development (Financial Institutions) Assistance Act
- Maritime Provinces Additional Subsidies Act
- Members of Parliament Retiring Allowances Act
- Newfoundland Additional Financial Assistance Act
- Office of the Superintendent of Financial Institutions Act
- Pension Benefits Standards, 1985 Act
- Prince Edward Island Subsidy Act
- Proceeds of Crime (Money Laundering) Act
- Provincial Subsidies Act
- Public Service Superannuation
- Public Utilities Income Tax Transfer Act
- Small Business Loans Act
- Special Import Measures Act
- Spending Control Act
- St. Lawrence Seaway Authority Act
- Trust and Loan Companies Act

## Initiatives for 1995

### International Trade and Finance Branch

Fin/95-1-R-1

#### **Temporary Reduction, Removal or Drawback of Customs Duties**

In response to requests from Canadian manufacturers, tariff rates on inputs to manufacturing processes are sometimes temporarily reduced or eliminated when like or substitutable products are not available from Canadian production. These rate reductions are introduced through amendments to the Customs Duties Reduction or Removal Order, 1988, the Chemicals and Plastics Duties Reduction or Removal Order, 1988 and Schedule V to the Customs Tariff. These orders are amended from time to time to extend the duty relief period or to restore the statutory tariff rates.

Tariff reductions on inputs strengthen Canadian manufacturing capacity by assisting Canadian manufacturers to compete more effectively in the domestic market against imports from other countries. Because such action could affect the tariff protection afforded Canadian producers, the department recommends it only after carefully considering the costs and benefits of the tariff reduction to the beneficiaries and to other Canadian producers.

**Legal Authority:** Customs Tariff, sections 68, 71 and 72

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/95-2-R-L

#### **Sports Equipment**

The Customs Tariff permits duty-free entry of sports equipment unavailable from Canadian producers that meets international competition standards and that the Sports Federation of Canada certifies as required by athletes in training for, or competing in, international competitions. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The duty-free entry of sports equipment meeting international standards helps Canadian athletes train for, or compete in, international amateur competitions. The interests of Canadian manufacturers are also protected since equipment allowed duty-free entry is not generally available from Canadian production.

**Legal Authority:** Customs Tariff, code 2640

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/95-3-R-L

#### **Goods for Disabled Persons**

The Customs Tariff permits duty-free entry of goods specifically designed for the use of disabled persons. The goods qualifying for free entry are designated by the Governor in Council when comparable goods are not available from producers in Canada. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The duty-free entry of goods for disabled persons by order-in-council allows flexibility in responding to the needs of disabled persons while, at the same time, providing adequate protection for Canadian manufacturers. Before making a recommendation to

Council, the department carries out full consultation with those who could be affected by a change in tariff rates.

**Legal Authority:** Customs Tariff, code 2535

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-4-R-M

### **Tariff Treatment - Rules of Origin**

Rules of origin determine the country of origin of goods and, under the preferential trade agreements, the level of tariff treatment applicable to those goods. Amendments could be made to the following regulations in 1995: the General Preferential Tariff and Least Developed Developing Countries Rules of Origin Regulations, the British Preferential Tariff and Most-Favoured-Nation Tariff Rules of Origin Regulations, the New Zealand and Australia Rules of Origin Regulations, the CARIBCAN Rules of Origin Regulations, the NAFTA Rules of Origin Regulations, the NAFTA Rules of Origin for Casual Goods Regulations, the Determination of Country of Origin for Purposes of Marking Goods (NAFTA Countries) Regulations, and the Determination of Country of Origin for Purposes of Marking Goods (Non-NAFTA Countries) Regulations.

Rules of origin are made to benefit Canada's trade interests. Proposed amendments would be made following consultation with the private sector, and, in the case of the NAFTA Rules of Origin Regulations, following the agreement of the U.S. and Mexico to such amendments.

**Legal Authority:** Customs Tariff, sections 13, 18, 63.1 and 64

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-5-R-IM

### **General Preferential Tariff Orders**

Canada provides a system of preferential tariff rates for most products from developing countries referred to as the General Preferential Tariff (GPT), as well as special duty-free entry for most products from the least developed developing countries. On occasion, it becomes necessary to withdraw such preferences, particularly when Canadian manufacturers are injured by imports into Canada under the reduced rates. Normally, recommendations for withdrawal are made following public hearings and a report by the Canadian International Trade Tribunal which is tabled in the House of Commons. Alternatively, the GPT regime may be modified either in relation to rates of duty, product coverage or country coverage.

Withdrawal of preferential rates of duty alleviates the injury incurred by domestic industry. Expansion of the preferences satisfies Canada's international commitment to help promote trade with developing countries.

**Legal Authority:** Customs Tariff, sections 35, 36, 38 and 41

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-6-R-IM

### **The General Agreement on Tariffs and Trade and Other Trade Agreements**

Under certain circumstances, the Minister of Finance and the Minister of Foreign Affairs make recommendations to the Governor in Council to modify tariff rates on imported products in response to domestic or international situations where Canada's rights or obligations under the General Agreement on Tariffs and Trade (GATT), the Canada - U.S. Free Trade Agreement (FTA), the North American Free Trade Agreement (NAFTA) or other trade agreements are involved. Regulations under these authorities are usually made in response to occasional, often unexpected international trade situations.

Recommendations to the Governor in Council involve either urgent domestic situations, such as surtaxes or retaliatory response to actions by other countries that negatively affect Canadian exports, or reductions in tariff rates that have been negotiated with our trading



partners, such as those agreed to during the latest round of multi-lateral trade negotiations, which may lead to some tariff reductions being implemented by order-in-council.

The modification of tariff rates under GATT, the FTA, the NAFTA or other trade agreements are largely undertaken to benefit and protect Canada's trading interests.

**Legal Authority:** Customs Tariff

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-7-R-I

### **Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)**

Canada provides a scheme of duty-free preferences for most products from Caribbean Commonwealth countries called CARIBCAN. Under certain circumstances, it may be necessary for the government to act quickly to withdraw such preferences when Canadian manufacturers are injured by imports as a result of the lower preferential rates. Alternatively, the government may wish to expand the country or product coverage for these preferential rates or to waive certain rules of origin requirements to improve the benefits provided.

Withdrawal of CARIBCAN treatment as a result of a safeguard petition would restore necessary protection for Canadian industry. Changes to rules of origin or country coverage could provide some benefit to developing countries.

**Legal Authority:** Customs Tariff, sections 54 and 58

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-8-R-I

### **Vessel Duty Removal/Reduction**

The Customs Tariff provides authority for the Governor in Council, on the recommendation of the Minister of Finance, to reduce or remove the tariff on

ships, floating structures and other waterborne craft. The authority is used to respond to requests from Canadian companies that demonstrate that the tariff is inequitable or anomalous or that its reduction or removal is required for competitive reasons.

Reduction or removal of the tariff on vessels reduces the costs associated with acquiring vessels and thus reduces the operating cost of the transportation service they provide. Because such action could affect the tariff protection afforded Canadian shipbuilders, the department recommends it only after carefully considering the costs and benefits to the importers and to the Canadian shipbuilding and ship repairing industries.

**Legal Authority:** Customs Tariff, supplementary note 1 to chapter 89

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-9-R-I

### **Most-Favoured-Nation Tariff Treatment**

Under certain circumstances, the Minister of Finance makes recommendations to the Governor in Council to modify the tariff treatment of imports from certain countries. Orders extending Most-Favoured-Nation Tariff treatment are approved in response to obligations under a new trade agreement or to reflect a change in our trade relations with a particular country.

The modification of the tariff treatment extended to a particular country is usually made in response to international obligations.

**Legal Authority:** Customs Tariff, sections 23 and 25

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-10-R-L

## Handicraft Goods Order

The Customs Tariff provides duty-free entry for traditional or artistic handicraft goods originating in developing countries.

From time to time, the Minister of Finance makes recommendations to the Governor in Council to expand or otherwise modify the list of handicraft items that are entitled to duty-free entry.

The Handicrafts Goods Order is Part of Canada's international commitment to assist developing countries.

**Legal Authority:** Customs Tariff, code 2955

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-11-R-I

## Preferential Tariff Treatment for Certain Commonwealth Countries

Canada provides a system of tariff preferences for certain Commonwealth countries. On occasion, it becomes necessary either to withdraw British Preferential Tariff (BPT) rates of duty, largely to protect domestic manufacturers, or to modify BPT treatment for certain goods, usually in response to international trade agreements.

Withdrawal of BPT rates can result in increased protection for domestic industry. Expansion of BPT rates usually occurs following trade agreements that contain reciprocal benefits for Canadian trade.

**Legal Authority:** Customs Tariff, sections 27, 28 and 31

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-12-R-L

## General Amending Orders

From time to time, amendments to various regulations and orders are required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments address certain legal issues as well as technical problems with orders.

Because the amendments are, for the most part, technical and not substantive in nature, there is little or no economic impact.

**Legal Authority:** Customs Tariff

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-13-R-I

## Remission of Duties

The authority to remit customs duties paid or payable has been delegated by Parliament to the Governor in Council. Remissions of duties are usually proposed only in exceptional circumstances where a genuine need for tariff relief has been clearly demonstrated. Most remissions are recommended to rectify anomalies or inequities caused by the tariff structure in specific situations or to provide short-term assistance to particular Canadian manufacturers facing serious competitive or financial problems.

The remission authority allows the government to respond quickly in specific situations where the application of general laws and regulations are having unintended or undesirable results. Because such action could affect the tariff protection afforded Canadian producers, the department recommends it only after carefully considering the costs and benefits of the tariff reduction to the beneficiaries and to Canadian producers.

**Legal Authority:** Customs Tariff, section 101; Financial Administration Act, section 23

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-14-R-I

## **"Snapback" Tariffs on Fresh Fruits and Vegetables**

The Customs Tariff contains authority for a 20-year period (flowing from Article 702 of the Canada-U.S. Free Trade Agreement and Annex 702.1 of the NAFTA) under which the Minister of Finance may, by order, temporarily restore (for up to 180 days) tariffs on certain fresh fruits and vegetables imported from the U.S. under depressed price conditions in order to give Canada's horticultural industry an opportunity to adjust to more open trading conditions. This "snapback" provision applies only if the average acreage under cultivation (exclusive of acreage converted from wine-grape cultivation) for that product is constant or declining. The temporary duties, together with any other customs duty, cannot exceed the Most-Favoured-Nation rate of duty for the product in question.

The imposition of the temporary duties will result in the restoration of tariff protection for domestic producers of fruits and vegetables covered by the order.

**Legal Authority:** Customs Tariff, section 60.2

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-15-R-LI

## **Technical Amendments to the Customs Tariff**

From time to time, it is necessary to make technical amendments to the Customs Tariff nomenclature. These are usually required to implement international obligations that Canada undertook when it adopted the Harmonized System (HS) of classification in 1988. (An integral Part of the adoption of the HS is that the tariff nomenclature must be amended from time to time to implement decisions taken by the Customs Co-operation Council, the international organization responsible for the HS, to meet evolving technological developments.)

The amendments are, for the most part, technical and not substantive.

**Legal Authority:** Customs Tariff, section 12.1

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-16-R-LI

## **Regulations Pursuant to Schedule VII of the Customs Tariff**

Section 114 of the Customs Tariff prohibits the importation of goods set out in Schedule VII to that act. Schedule VII further provides authority, in certain instances, for regulations to clarify which goods are prohibited or the terms and conditions under which certain goods are prohibited. Throughout the year, it may be necessary to make or amend such regulations.

Because such action could affect the admissibility of goods into Canada, regulations relating to the goods set out in Schedule VII are only introduced after the department has carefully considered their costs and benefits.

**Legal Authority:** Customs Tariff

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, Est Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

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Fin/95-17-R-I

## **Remission of Anti-Dumping and Countervailing Duties**

The authority to remit the payment of anti-dumping and countervailing duties has been delegated by Parliament to the Governor in Council. Requests for the remission of these duties are accepted only under exceptional circumstances and generally where the Canadian industry supports the remission or where there is no Canadian production.

The remission authorities allow the government to respond quickly in specific situations where there are exceptional circumstances in the application of general laws and regulations.

**Legal Authority:** Customs Tariff, section 101

**Status:** This is a recurring initiative.



**Contact:** Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-8650; Fax: (613) 943-1177.

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Fin/95-18-R-I

### **Special Import Measures Act (SIMA)**

To implement Canada's obligations emanating from the Uruguay Round of Multilateral Trade Negotiations under the GATT, the department intends to make certain changes to the Special Import Measures Act (SIMA) Regulations.

The definition of subsidy and the calculation of dumping will be changed. Any such changes would be undertaken to enable Canada to take greater advantage of its rights under new GATT rules on the use of trade remedies.

**Legal Authority:** Special Import Measures Act (SIMA)

**Status:** This is a recurring initiative.

**Contact:** Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-8650; Fax: (613) 943-1177.

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### **Financial Sector Policy Branch**

Fin/95-19-O-I

### **Portfolio Management and Investment Counselling Regulations**

The Portfolio Management and Investment Counselling Regulations prescribe terms and conditions for the provision of portfolio management and investment counselling services by banks and other federally regulated financial institutions. The intent of the Portfolio Management and Investment Counselling Regulations is to provide a comprehensive investor protection scheme. The compliance costs for banks and other federally regulated financial institutions will compare to those faced by other providers of portfolio management and investment counselling services which are regulated by the provinces.

**Legal Authority:** Bank Act, paragraph 410(3)(b); Insurance Companies Act, paragraph 441(4)(b); Trust and Loan Companies Act, paragraph 410(3)(b)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-19.

**Contact:** Martine Doyon, Chief, Federal-Provincial Issues Section, Financial Sector Policy Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-7056; Fax: (613) 943-8436.

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Fin/95-20-O-L

### **Domestic Bonds of Canada Regulations**

Regulations pursuant to section 60 of the Financial Administration Act set forth certain legal requirements with respect to the issuing, redemption and transfer of ownership of Government of Canada bonds. These regulations have not undergone substantial amendments for some time, and a complete review of the Regulations is proposed in order to correct numerous flaws that have become apparent in the past several years, as well as to incorporate new provisions that are necessary as a result of changes in the market environment relating to the issue of bonds. These changes will be largely technical in nature. They include reconciling the Regulations with civil and common law and incorporating new provisions related to the increasing use of electronic, rather than physical, transfer of funds and securities ownership.

**Legal Authority:** Financial Administration Act, section 60

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-20.

**Contact:** Financial Markets Operations Section, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4475; Fax: (613) 943-2039.

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Fin/95-21-O-I

### **Proceeds of Crime (money laundering) Act Regulations**

Regulations under the Proceeds of Crime (Money Laundering) Act came into effect on March 26, 1993. These regulations set out record-keeping and client identification procedures for financial institutions and others, in order to provide audit trails for use in money laundering investigations. Minor adjustments to the Regulations may be required, in light of compliance experience and changing money laundering practices.

**Legal Authority:** Proceeds of Crime (Money Laundering) Act, subsection 5(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** James F. McCollum, Chief, Industry Analysis and Relations Section, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8302; Fax: (613) 943-8436.

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Fin/95-22-O-1

### **Financial Contracts Regulations**

The Financial Contracts Regulations cite certain financial contracts that may be executed despite the fact that a financial institution that is a party to the contract has been seized by the Canada Deposit Insurance Corporation (CDIC) and is in the process of being sold to another institution. When CDIC takes such action, most actions against the financial institution are stayed. The Financial Contracts Regulations set out an exemption for funds transfer systems, as the execution of such agreements is critical in ensuring financial market stability.

**Legal Authority:** Canada Deposit Insurance Corporation Act, paragraph 39.15(5)(b)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-23.

**Contact:** John Grace, Economist, Financial Institutions Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, K1A 0G5. Tel.: (613) 992-3236; Fax: (613) 943-8436.

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## **Tax Policy Branch**

Fin/95-23-O-M

### **Resource Allowance**

On July 23, 1992, the Minister of Finance announced that changes would be made to Part XII of the Income Tax Regulations, primarily to clarify the calculation of the resource allowance. Draft regulations and notes were released at that time.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-28.

**Contact:** Simon Thompson, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier,

East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-0049; Fax: (613) 992-4450.

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Fin/95-24-O-1

### **Income Tax Regulations Relating to Registered Pension Plans**

On February 14, 1992 the Minister of Finance announced a number of technical amendments to the rules relating to registered pension plans. The proposals are in Department of Finance Press Release 92-014. Implementation of these proposals will require amendments to Parts LXXXIII to LXXXV of the Income Tax Regulations. As well, other amendments to the Regulations may be required to refine the operation of the recently enacted rules governing tax-assisted saving for retirement.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-30.

**Contact:** Catherine Cloutier, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0598; Fax: (613) 992-4450.

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Fin/95-25-O-1

### **Income Tax Regulations Relating to Unregistered Pension Plans**

On May 24, 1991, the Minister of Finance announced proposed measures relating to the registered retirement savings (RRSP) room of taxpayers who participate in certain unregistered pension plans. The Minister also announced proposals relating to the application of the 50-per-cent refundable retirement compensation arrangement (RCA) tax to certain foreign pension plans. Implementation of these proposals will require a number of amendments to the Income Tax Regulations. In particular, amendments will be required to Part LXVIII, which prescribes certain plans as exempt from the definition of an RCA, and to Part LXXXIII, which prescribes amounts that serve to reduce the RRSP room of taxpayers. For details regarding the proposals, see Department of Finance Press Release 91-052.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-31.

**Contact:** William Holmes, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower,

Fin/95-26-O-I

### **Income Tax Regulations Relating to Indexed Debt Obligations**

On October 16, 1991, the Minister of Finance announced proposed rules relating to the tax treatment of indexed debt obligations. The proposals will be implemented, in part, by amending Part LXX of the Income Tax Regulations. Also, an amendment will be required to the reporting obligation in subsection 201(4) of the Regulations. The proposed amendments are contained in Department of Finance Press Release 91-104.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-32.

**Contact:** William Holmes, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel.: (613) 992-4390; Fax: (613) 992-4450.

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Fin/95-27-O-M

### **Income Tax Regulations Relating to Life Insurance Companies and their Products**

As announced in the February 1992 budget, Finance Canada is reviewing the taxation of the life insurance industry. This review will likely result in amendments to the Income Tax Regulations. In particular, these amendments may include changes to Part III (rules relating to the taxation of insurance policies and annuities), Part XIV (rules relating to the calculation of policy reserves of insurance companies) and Part XXIV (rules relating to the calculation of investment income of insurance companies).

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-40.

**Contact:** William Holmes, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel.: (613) 992-4390; Fax: (613) 992-4450.

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Fin/95-28-O-I

### **Interest Accrual Rules**

On August 10, 1993, the Minister of Finance announced changes to the rules in Part LXX of the

Income Tax Regulations that prescribe the amount of interest that is considered to accrue each year on certain debt obligations. The changes alter the measurement of accrued interest on debt obligations that have increasing interest rates, and they limit the scope of a rule that treats a debt obligation as a continuation of another obligation where it is acquired pursuant to a conversion right. Draft regulations and explanatory notes were released with the Minister's announcement.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-43.

**Contact:** William Holmes, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel.: (613) 992-4390; Fax: (613) 992-4450.

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Fin/95-29-O-M

### **Scientific Research and Experimental Development (SR&ED)**

Regulations are required as a result of the proposed introduction, in the Income Tax Act, of a proxy method for determining Scientific Research and Experimental Development (SR&ED) overhead expenses. As well, certain clarifying amendments to the Income Tax Regulations relating to SR&ED expenditures, as released in draft by the Minister of Finance on December 2, 1992, are proposed.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-44.

**Contact:** Davine Roach, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4852; Fax: (613) 992-4450.

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Fin/95-30-O-I

### **Tax Exemption for Employees of International Non-governmental Organizations**

An amendment to paragraph 110(1)(f) of the Income Tax Act received Royal Assent (S.C. 1994, c.28) on June 15, 1994. It will permit certain employees of "prescribed international non-governmental organizations" to exclude their employment income from that organization from their taxable income. It is intended that the International Air Transport



Association and the *Société internationale de télécommunications aéronautiques* be prescribed for this purpose.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-46.

**Contact:** Brian Bloom, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-5634; Fax: (613) 992-4450.

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Fin/95-31-N-M

### **Income Tax Regulations Relating to the 1994 Budget**

On February 22, 1994, the Minister of Finance presented the government's budget. The budget contained a number of income tax measures, some of which will require changes to the Income Tax Regulations. These include amendments relating to debt forgiveness, foreign affiliates, financial institutions, tax shelters and the elimination of employer-provided life insurance benefits.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This is a new initiative.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-3039; Fax: (613) 992-4450.

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Fin/95-32-N-M

### **Income Tax Regulations Relating to Income Tax Technical Amendments**

On August 30, 1993, draft technical income tax amendments were released for public consultation. These amendments, together with other measures announced in press releases during 1993, were implemented by S.C. 1994, c.28, which received Royal Assent on June 15, 1994. A number of consequential amendments to the Income Tax Regulations are required.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This is a new initiative.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-3039; Fax: (613) 992-4450.

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Fin/95-33-R-?

### **Budget Regulations**

Any budgetary announcement made by the Minister of Finance before the end of 1995 may, as a consequence, require new regulations or amendments to regulations such as the Income Tax Regulations. The budget documents will provide details of any impact.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This is a recurring initiative.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-3039; Fax: (613) 992-4450.

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Fin/95-34-R-?

### **Other Income Tax Regulations**

It may become necessary to make various amendments to regulations of a technical or housekeeping nature or for the purposes of clarification. Other amendments to regulations may be required to address problems that may develop, to implement tax policy changes (including changes announced by press release), to respond to court decisions, to reflect or respond to statutory changes (including those made as a result of statute revision), or to improve the wording, organization or numbering of the Regulations.

**Legal Authority:** Income Tax Act, subsection 221(1)

**Status:** This is a recurring initiative.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-3039; Fax: (613) 992-4450.

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Fin/95-35-O-I

### **Agriculture and Fishing Property (GST) Regulations**

These regulations are being amended to add items to the list of major agricultural inputs that farmers can purchase on a zero-rated basis (i.e., without paying the Goods and Services Tax (GST)). This measure does not represent a net tax saving to farmers (nor a net tax revenue loss to the government) because farmers would otherwise be entitled to recover fully any GST paid on the inputs through the input tax credit mechanism under the normal rules of the tax.

However, the initiative results in a cash-flow benefit

to farmers (and a corresponding cost to the government of forgone interest) since farmers would not have to pay the tax on the prescribed inputs at the time of purchase and await a refund.

**Legal Authority:** Excise Tax Act, section 10 of Part IV of Schedule VI and section 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-49.

**Contact:** Claudine Gagnon, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6397; Fax: (613) 995-8970.

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Fin/95-36-N-I

### **Amalgamations and Windings-Up Continuation (GST) Regulations**

These regulations prescribe the provisions of the Excise Tax Act for purposes of which a new corporation formed as a result of an amalgamation or winding-up of a predecessor corporation is considered to be the same corporation as the predecessor. The Regulations require amendments to reflect changes in section numbers enacted by S.C. 1993, c. 27 (Bill C-112) and to add references to two sections dealing with insolvencies to ensure that obligations and entitlements of predecessor corporations in these circumstances carry over to successor corporations.

**Legal Authority:** Excise Tax Act, sections 271, 272 and 277

**Status:** This is a new initiative.

**Contact:** Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

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Fin/95-37-O-I

### **Automobile Operating Cost Benefit (GST) Regulations**

Under the Goods and Services Tax (GST), employee benefits relating to employer-paid automobile operating costs are taxable in recognition of the fact that the employees would have to pay the GST on automobile expenses if they incurred them directly. The benefit as reported for income tax purposes is treated as a GST-included amount. The amount of GST considered to be included in the benefit and remittable by the employer is deemed to be a prescribed percentage of the benefit. For the 1993 and

subsequent taxation years, the percentage to be prescribed by these regulations is five per cent. This is less than the general GST rate of seven per cent as it takes into account the fact that a portion of the benefit reported for income tax purposes relates to expenses on which GST does not apply, such as insurance and licence fees. The use of the prescribed percentage makes it easier for employers to calculate the GST liability as it makes it unnecessary to separate that portion of the benefit relating to expenses that are not subject to GST.

**Legal Authority:** Excise Tax Act, sections 173 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-50.

**Contact:** Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

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Fin/95-38-N-L

### **Federal Sales Tax New Housing Rebate Regulations**

During the transition from the Manufacturers' Sales Tax (MST) to the Goods and Services Tax (GST), purchasers or, in some cases, builders of new housing that was under construction prior to the implementation of the GST on January 1, 1991 were entitled to rebates to compensate for the fact that such housing would have an element of the MST in its cost but would also be subject to the GST when sold or first occupied after 1990. The rules for calculating this rebate were partly contained in section 121 of the Excise Tax Act and partly in regulations made under that section. In S.C. 1994, c. 9 (Bill C-13), the Act was amended to amalgamate all these rules in the Federal Sales Tax New Housing Rebate Regulations. However, the calculation itself, and therefore the amount of the rebate, remains unchanged. The Regulations are therefore being amended to effect this amalgamation.

**Legal Authority:** Excise Tax Act, sections 59 and 121 and S.C. 1994, chapter 9, section 1

**Status:** This is a new initiative.

**Contact:** Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

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Fin/95-39-N-L

## **Publications Supplied by a Non-resident Registrant (GST) Regulations**

Under the Goods and Services Tax (GST), suppliers of goods prescribed under section 143.1 of the Excise Tax Act (i.e., books, newspapers, magazines and similar publications) that are imported into Canada for delivery to consumers by mail or courier are required to register and collect the tax directly from the consumers. Where a supplier fails to register as required, the publications are taxed upon importation. In S.C. 1993, c. 27 (Bill C-112), the Act was amended to extend this provision to resident suppliers of foreign publications (it previously applied only to non-resident suppliers). Consequential amendments are required to the regulations made under section 143.1 of the Act.

**Legal Authority:** Excise Tax Act, sections 143.1 and 277

**Status:** This is a new initiative.

**Contact:** Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

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Fin/95-40-O-L

## **Non-Taxable Imported Goods (GST) Regulations**

Recent amendments to the Excise Tax Act provide that the Minister of National Revenue may issue certificates to certain importers allowing them, under specified conditions, to import, without the payment of GST, goods that they will process in Canada and export, where such goods will be re-exported. The Regulations are being amended to prescribe these goods.

This measure does not represent a net tax saving to importers (nor a net tax revenue loss to the government) because the importers would otherwise be entitled to recover fully any GST paid on the importation through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to importers (and a corresponding cost to the government of forgone interest) since importers would not have to pay the tax at the time of importation and await a refund.

These regulations are also being amended to add, as a condition of tax-free importation, that where, under

the Act, the Minister requires security to be posted in respect of the imported goods, such security has in fact been posted. As well, the Regulations are being amended to provide non-taxable status to goods that either originated in Canada or were taxed upon a previous importation and are being returned to Canada. This amendment is being made to avoid double taxation of the goods.

**Legal Authority:** Excise Tax Act, section 8 of Schedule VII and section 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-51.

**Contact:** Patrick Byrne, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8907; Fax: (613) 995-8970.

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Fin/95-41-O-L

## **Joint Venture (GST) Regulations**

Section 273 of the Excise Tax Act permits an operator and another participant in a qualifying joint venture to elect jointly to designate the operator as the person responsible for accounting for the Goods and Services Tax (GST) on behalf of both parties with respect to their purchases and sales made in the course of prescribed activities of the joint venture. Amendments to the Regulations are required to extend the list of prescribed activities. This initiative will benefit participants in eligible joint ventures by permitting them to simplify their record-keeping and filing requirements for GST purposes.

**Legal Authority:** Excise Tax Act, sections 273 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-52.

**Contact:** Luba Baran, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-2980; Fax: (613) 995-8970.

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Fin/95-42-O-L

## **Value of Imported Goods (GST) Regulations**

These regulations are being amended to apply the Goods and Services Tax to 1/60th of the value of a temporarily imported bus or aircraft that is the subject of a short-term lease for each month the bus or aircraft is to remain in Canada. In the absence of this provision, importers of leased buses and aircraft who may be using the conveyance for only a short time in



Canada would be required to pay GST at the time of importation on the full value of the conveyance, even though they would have to pay tax only on the periodic leasing cost if they leased a similar conveyance in Canada.

This measure does not represent a net tax saving to importers (nor a net tax revenue loss to the government) because the importers would otherwise be entitled to recover fully any GST paid on the importation through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to them (and corresponding cost to the government of forgone interest) since they would pay less tax at the time of importation.

**Legal Authority:** Excise Tax Act, subsection 215(2) and section 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-53.

**Contact:** Patrick Byrne, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8907; Fax: (613) 995-8970.

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Fin/95-43-O-I

### **Streamlined Accounting (GST) Regulations**

These regulations are being amended to prescribe a simplified method for small businesses to determine their GST liabilities or refunds. A draft of the Regulations and related explanatory notes were released on March 30, 1993. The Regulations are also being amended to further streamline the existing simplified accounting methods. These changes were announced in June 1993 and were released in draft form, together with explanatory notes, at that time.

**Legal Authority:** Excise Tax Act, sections 227 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-54.

**Contact:** Patrick Byrne, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8907; Fax: (613) 995-8970.

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Fin/95-44-O-I

### **Financial Services (GST) Regulations**

While financial transactions are exempt from the Goods and Services Tax (GST), administrative services are generally taxable. These regulations are being

amended to clarify that prescribed exempt financial services for purposes of the Goods and Services Tax (GST) do not include clearing and settlement or authorization services in respect of financial instruments such as cheques or in respect of credit or charge card transactions, except when the service is provided under the national payments system of the Canadian Payments Association.

**Legal Authority:** Excise Tax Act, Paragraph (t) of the definition "financial service" in subsection 123(1) and section 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-55.

**Contact:** Mandy Atwal-Black, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0750; Fax: (613) 995-8970.

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Fin/95-45-O-L

### **Debit and Credit Note Information (GST) Regulations**

S.C. 1993, c. 27 (Bill C-112) implemented amendments to the Excise Tax Act to recognize debit notes issued to suppliers by their business customers as satisfactory evidence of adjustments to customers' accounts for purposes of the Goods and Services Tax (GST). Consequential amendments are required to these regulations to make reference to debit notes, as the Regulations currently refer only to the information to be contained in credit notes issued by suppliers. This initiative accommodates existing business practice in certain industries that commonly use debit notes. It therefore makes accounting for the GST easier for those businesses.

**Legal Authority:** Excise Tax Act, sections 232 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-56.

**Contact:** Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

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Fin/95-46-O-I

### **Public Service Body Rebate (GST) Regulations**

Under the Goods and Services Tax (GST), certain public service bodies — such as hospitals, schools, universities and municipalities — as well as charities

and substantially government-funded non-profit organizations, are entitled to claim rebates of the GST they pay on their purchases for use in non-commercial activities. To qualify, non-profit organizations must satisfy a government-funding test that is set out in these regulations. The definition of "government funding" is being amended to clarify that it does not include loans from a government body (other than forgivable loans), because these are not in the nature of a grant or subsidy or because the subsidy element is too complex to measure. This amendment simplifies the determination of eligibility for potential rebate recipients.

As well, S.C. 1993, c. 27 (Bill C-112) added authority under the Excise Tax Act to prescribe by regulation a simplified method for small public service bodies to determine these rebates.

The Regulations are being amended to set out that method. The amending act also added authority to prescribe by regulation government organizations that pay GST on their purchases and that would, were they not Crown agents, qualify as non-profit organizations. The effect of being so prescribed is that they will be eligible to receive rebates as do other substantially government-funded non-profit organizations, provided they meet the government-funding test.

Finally, the Regulations are being amended to add an item to the list of prescribed property and services in respect of which the public service body rebate is disallowed. The additional item describes property and services acquired or imported by a public service body acting as the operator of a joint venture on behalf of other participants where the parties have elected jointly to have the operator do all the GST accounting for the venture as if the acquisitions and importations were made by the operator in its own right. The public service body rebate is to be denied in respect of such property and services if any of the other participants in the venture are not eligible rebate recipients. This measure ensures that the joint venture rules are not used by otherwise ineligible parties to indirectly gain the benefit of the rebate.

**Legal Authority:** Excise Tax Act, sections 259 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-57.

**Contact:** Glenda MacInnes, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-9963 Fax: (613) 995-8970.

Fin/95-47-O-L

## **Crown Agents (GST) Regulations**

S.C. 1993, c. 27 (Bill C-112) repealed the authority under which the Crown Agents (GST) Regulations were made. It also added the definition "specified Crown agent" in subsection 123(1) of the Excise Tax Act for purposes of the Goods and Services Tax (GST) under Part IX of that act. The definition "specified Crown agent" is to be prescribed by regulation to be the same list of federal Crown agents as appeared in the Crown Agents (GST) Regulations. These agents of the federal Crown are prescribed to ensure that, under the GST, they are treated the same as private-sector businesses. They include the CBC, the Bank of Canada and Crown corporations listed in Schedule III to the Financial Administration Act.

**Legal Authority:** Excise Tax Act, definition "specified Crown agent" in subsection 123(1) and section 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-58.

**Contact:** Marc Grandisson, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-9615; Fax: (613) 995-8970.

Fin/95-48-O-I

## **Games of Chance (Lotteries) (GST) Regulations**

Under the Goods and Services Tax (GST), lottery tickets and other rights to participate in games of chance that are conducted by prescribed registrants — that is, the provincial lottery corporations — are subject to tax. However, the amount of tax remittable by these corporations is determined by a formula that effectively removes from the GST base the fiscal dividend of the lottery corporations that is available for distribution to governments or to grant recipients. S.C. 1993, c. 27 (Bill C-112) amended the Excise Tax Act to provide authority to prescribe by regulation the manner by which provincial lottery corporations are to determine the amount of GST remittable in respect of lottery ticket sales and other games of chance. The Regulations are being amended to prescribe this formula and to add three new provincial corporations to the list of prescribed lottery corporations.

**Legal Authority:** Excise Tax Act, sections 188 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-59 and FIN-60.



**Contact:** Marlene Starrs, Chief, Legislation Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

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Fin/95-49-O-L

### **Taxes, Duties and Fees (GST) Regulations**

Under the Goods and Services Tax (GST), provincial retail sales taxes and specific provincial taxes that apply at the retail level as a percentage of the final selling price of goods and services are prescribed by regulations to be excluded from the GST base so that the federal tax does not apply on top of these provincial taxes. The Regulations require amendments to reflect provincial statutory changes.

**Legal Authority:** Excise Tax Act, sections 154 and 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-61.

**Contact:** Florence Schwartz, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 995-3359; Fax: (613) 995-8970.

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Fin/95-50-O-I

### **Mail and Courier Imports (GST) Regulations**

Under the Goods and Services Tax (GST), imported goods valued at \$20 or less and sent by mail or courier to recipients in Canada are generally exempt from tax at the border. However, exceptions are made for goods prescribed by regulation. One such exception is certain imported publications sent by mail or courier to customers in Canada. The suppliers, whether foreign or domestic, are required to register for GST purposes and collect the tax directly from the Canadian customers. Where the suppliers do register, the publications are then exempt from tax at the time of importation. However, if a supplier fails to register as required, the publications are subject to GST at the border, regardless of their value. The Regulations are being amended to encompass audio-cassettes that accompany a foreign publication to ensure that they receive the same tax treatment as the publication.

The Regulations are also being amended to substitute a reference to "tobacco products" for the existing reference to "cigars, cigarettes and manufactured tobacco." The reference to "tobacco products" avoids ambiguities as to the definition of specific products.

**Legal Authority:** Excise Tax Act, section 7 of Schedule VII and section 277

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-62.

**Contact:** Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

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Fin/95-51-R-?

### **Budget (GST) Regulations**

Budgetary announcements made by the Minister of Finance before the end of 1995 may, as a consequence, require new regulations or amendments to existing regulations. The budget documents will provide details of any impact.

**Legal Authority:** Excise Tax Act

**Status:** This is a recurring initiative.

**Contact:** Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

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Fin/95-52-R-?

### **Other GST Regulations**

It may be necessary to make amendments to the Regulations of a technical or housekeeping nature. Other amendments to the Regulations may be needed to address problems that may develop, to implement tax policy changes announced by press release, to respond to court decisions, to reflect or respond to statutory changes (including those made as a result of statute revision) or to improve the wording, organization or numbering of the regulations.

**Legal Authority:** Excise Tax Act

**Status:** This is a recurring initiative.

**Contact:** Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

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## **Economic Development Policy Branch**

Fin/95-53-O-L

### **Newfoundland Offshore Petroleum Resource Revenue Account Regulations**

The Atlantic Accord Implementation Act authorizes the Minister of Natural Resources to transfer to the Government of Newfoundland an amount equal to the proceeds of consumption taxes, insurance companies tax, provincial share of corporate income tax, royalties, rentals and fees associated with oil and gas activity in the Newfoundland offshore area. The Regulations would specify the time and the manner of payment of these amounts. They are scheduled to be in place by March 1995.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act, Part IV, paragraph 216

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-24.

**Contact:** Sandra Daycock, Operations Division, Economic Development Policy Branch, Operations Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 947-3833; Fax: (613) 992-3648.

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## **Federal-Provincial Relations and Social Policy**

Fin/95-54-R-?

### **Federal-Provincial Fiscal Arrangements Regulations, 1994**

The Minister of Finance occasionally makes recommendations to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical in nature and introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and no direct impact on the general public, businesses or the economy, or on markets in general. The exact nature of the amendments, if any, are not yet known. It is therefore not possible to describe the benefits and costs. The department consults the provinces before making amendments.

**Legal Authority:** Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 992-7754.

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Fin/95-55-R-?

### **Federal-Provincial Fiscal Arrangements Regulations, 1992**

The Minister of Finance occasionally makes recommendations to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical in nature and introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and no direct impact on the general public, businesses or the economy, or on markets in general. The exact nature of the amendments, if any, are not yet known. It is therefore not possible to describe the benefits and costs. The department consults the provinces before making amendments.

**Legal Authority:** Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 992-7754.

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Fin/95-56-R-?

### **Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987**

The Minister of Finance occasionally makes recommendations to the Governor in Council to amend the regulations dealing with the tax collection agreements and established programs financing.

These amendments are usually technical in nature and introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of tax collection agreements and established programs financing. There are no compliance costs to the private sector, and no direct impact on the general public, businesses or the economy, or on markets in general. The department consults the provinces before making amendments.

**Legal Authority:** Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 992-7754.

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Fin/95-57-O-L

### **Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act authorizes the Minister of Natural Resources to transfer to the Government of Nova Scotia an amount in respect of equalization offset payments related to offshore revenue. These regulations will specify the time and manner of determining and making these payments. As these regulations are required by the Act, and simply implement its provisions, there is neither a cost nor a benefit associated with them.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as FIN-69.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 992-7754.

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## **Future Initiatives**

### **Other Sales Tax Reform Initiatives**

The federal government has announced its intention to replace the Goods and Services Tax (GST) by January 1, 1996. The House of Commons Finance Committee issued a report on June 20, 1994 containing the conclusions of its study of alternatives to the GST after hearing from witnesses from across Canada and considering more than 700 written submissions. The government is studying that report and continuing to consult with industry and consumer groups as well as with provincial governments on a harmonized system of sales tax. This initiative will likely result in changes to the sales tax legislation, including the related regulations.

**Classification:** Difficult to determine

**Contact:** Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

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### **Cost of Credit Disclosure**

Harmonized cost of credit disclosure is a component of the consumer related measures chapter of the Internal Trade Agreement signed July 18, 1994 by the provinces and the federal government. In the Agreement, parties agreed to complete negotiations on harmonization of cost of credit disclosure by January 1, 1996 and adopt harmonized legislation and regulations by January 1, 1997. Relevant federal regulations are the Cost of Borrowing Regulations pursuant to the Trust and Loan Companies Act, the Insurance Companies Act and the Bank Act and the Cost of Borrowing (Foreign Insurance Companies) Regulations pursuant to the Insurance Companies Act.

**Classification:** Intermediate-cost initiative

**Contact:** James F. McCollum, Chief, Industry Analysis and Relations Section, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8302; Fax: (613) 943-8436.

# Fisheries and Oceans

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# General Information

## Roles and Responsibilities

The major responsibilities of Fisheries and Oceans (F&O) include fisheries management and research in coastal and certain inland waters, fisheries economic development and marketing, fish inspection, international fisheries negotiations, oceanographic research, hydrographic surveying and charting, and the development and administration of fishing and recreational harbours, in all parts of Canada.

Under subsection 91(12) of the Constitution Act, 1867, the federal government has exclusive legislative jurisdiction over Canada's fisheries in coastal and inland waters. F&O is fully responsible for the management of all fisheries, both marine and freshwater. The administration and enforcement of fisheries legislation has been delegated, in varying degrees, to the provinces of Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. In British Columbia, the fisheries for marine and anadromous species (i.e., fish that migrate from freshwater to sea) are managed by the federal government, while the provincial government administers the regulation of freshwater fisheries. In Quebec, the provincial government deals with all freshwater, anadromous and catadromous (eel) species, with the remaining marine species being the responsibility of the federal authorities. In Ontario and the Prairie provinces, the provinces administer the regulation of all freshwater fisheries within their respective boundaries.

The main legislative authority of F&O is the Fisheries Act. Under this Act, regulations are established to control matters such as the timing, length and scope of fishing seasons; the type of harvesting equipment that may be used; catch quotas; fish habitat protection; and poaching.

Another important piece of legislation for which F&O is responsible is the Fish Inspection act. Regulations made under this act ensure that the harvesting and processing of fish are conducted under approved hygienic conditions for the protection of the consumer. The inspection of fish and fishery products for trade outside provincial boundaries is undertaken by the federal government in all areas of Canada. F&O inspectors are also responsible for verifying that all imported fish products comply with established standards.

## Legislative Mandate

The following acts, identified by their chapter number in the last consolidation of federal statutes in 1985, are administered by Fisheries and Oceans:

- Atlantic Fisheries Restructuring Act (A-14)
- Coastal Fisheries Protection Act (C-33)
- Department of Fisheries and Oceans Act (F-15)
- Fish Inspection Act (F-12)
- Fisheries Act (F-14)
- Fisheries Development Act (F-21)
- Fisheries Improvement Loans Act (F-22)
- Fisheries Prices Support Act (F-23)
- Fisheries and Oceans Research Advisory Council Act (F-16)
- Fishing and Recreational Harbours Act (F-24)
- Freshwater Fish Marketing Act (F-13)
- Great Lakes Fisheries Convention Act (F-17)
- North Pacific Fisheries Convention Act (F-18)
- Northern Pacific Halibut Fisheries Convention Act (F-19)
- Saltfish Act (S-4)
- Territorial Sea and Fishing Zones Act (T-8)

## Initiatives for 1995

F&O/95-1-N-L

### Alberta Fishery Regulations - Annual Amendments

Conservation of fish populations benefits resource users. This initiative is intended to amend fishery regulations to adjust seasons, quotas and bait restrictions for recreational fishing at specific lakes and streams in Alberta.

Recreational and economic benefits will be sustained in the long term as a result of regulation adjustments.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Jim Struthers, Chief, Enforcement and Field Services, Fish and Wildlife Services, Department of Environmental Protection, Main Floor, North Tower, Petroleum Plaza, 9945-108 Street, Edmonton, Alberta, T5K 2G6. Tel.: (403) 427-6735; Fax: (403) 422-9560.

F&O/95-2-N-L

### Atlantic Fishery Regulations, 1985 - Commercial Fishery Review

The Atlantic Fishery Regulations, 1985 will be rewritten once Fisheries and Oceans has reviewed its

management of commercial fisheries in the Atlantic Ocean. The department is undertaking a fishery-by-fishery review for the commercial sector and new policies and programs for the management of Atlantic fisheries will likely result from the Review Committee's recommendations. Similar reviews will follow respecting other commercial fisheries.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Ted Gale, Director, Legislative and Regulatory Review, Strategic Policy and Planning, Fisheries and Oceans, Station 1184, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 993-2507; Fax: (613) 990-9574.

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F&O/95-3-N-L

### **Atlantic Fishery Regulations, 1985 - Close Times and Licence Requirements for All Species of Fish**

With the collapse of groundfish stocks in Atlantic Canada and dwindling stocks of some other regulated species, fishermen are directing their efforts at fishing species of fish that are not currently regulated. They have not been regulated because they have not been fished, or the effort was so minor that no conservation concerns existed.

To allow flexible management of fishing for these underutilized fish species to ensure sustainable harvesting, the regulations will be amended to require a licence for all fish and to fix a close time for each species of fish.

**Legal authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Denis Tremblay, Senior Advisor, Pelagics, Foreign Fisheries and Quota Monitoring, Resource Management Branch, Fisheries and Oceans, 901 Cap Diamant, P.O. Box 15500, Quebec, Quebec, G1K 7Y7. Tel.: (418) 648-2564; Fax: (418) 649-8002.

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F&O/95-4-N-L

### **Atlantic Fishery Regulations, 1985 - Degradable Lobster Traps**

Amendments to the Atlantic Fishery Regulations, 1985 in 1993 required lobster traps to be partly constructed of materials that would degrade after a period of time. This provision was put in place to ensure that lobster traps would not continue to catch fish if they were lost at sea. The initiative received wide support from the

majority of lobster fishers but experience has shown that, with a few minor adjustments, the intent of the legislation can be maintained while making the legislation more effective and less costly to fishers.

Because untreated hardwood and softwood deteriorate at the same rate, the proposed regulatory amendment would give fishers the option of equipping lobster traps with either hardwood laths or softwood laths, providing they use untreated wood. Secondly, the Regulations currently require that escape panels on wire lobster traps be fastened with degradable materials. A further amendment would allow fishers to fasten the escape panel or the door on wire lobster traps with degradable materials. Finally, because 1.6 mm wire fasteners do not last the entire lobster fishing season, the Regulations would be amended to increase the thickness of ferrous wire fasteners to 2 mm. This will ensure that doors and panels are not lost before the end of the fishing season.

These changes will benefit fishers. It has been found that the hardwood parts of untreated wooden traps break down as easily as the softwood parts when these traps are lost. There is no benefit gained by requiring fishers to install softwood laths in their traps. By allowing the additional option of fastening the door of a wire lobster trap with degradable fasteners, the opening on the lost traps will be much larger and fishers will spend less time overhauling their traps each year. Increasing the thickness of the wire fasteners used to fasten the degradable panels on wire traps will ensure none are lost prematurely.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Leo Muise, Chief, Regulations Division, Scotia-Fundy Region, Fisheries and Oceans, P.O. Box 550, Halifax, Nova Scotia, B3J 2S7. Tel.: (902) 426-2473; Fax: (902) 426-3479.

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F&O/95-5-N-L

### **Atlantic Fishery Regulations, 1985 - Management Measures Regarding Commercial Fishing at the Mouth of Salmon Rivers in Quebec**

The current regulations contain no permanent measures to protect salmon, which can be caught by persons fishing commercially with any kind of gear, notably with gill nets at the mouth of the salmon rivers in Quebec.

The Quebec Fishery Regulations, 1990 currently prohibit fishing by other means than a rod within 500 metres of any point on the mouth of a salmon river, but this measure applies exclusively to fishing for anadromous and catadromous species. This proposal would extend the prohibition to all commercial fishing within 500 metres of the mouth of a salmon river.

This initiative will protect salmon, an economically important species, without having a significant negative impact on the commercial fisheries affected by the change.

**Legal authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Denis Tremblay, Senior Advisor, Pelagics, Foreign Fisheries and Quota Monitoring, Resource Management Branch, Fisheries and Oceans, 901 Cap Diamant, P.O. Box 15500, Quebec, Quebec, G1K 7Y7. Tel.: (418) 648- 2564; Fax: (418) 649-8002.

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F&O/95-6-N-L

**Atlantic Fishery Regulations, 1985 - Minimum Size for Whelk**

Recent scientific studies have shown that whelk can be easily overharvested if it is fished before it reaches maturity. This proposal would establish a minimum size of 76 mm (3"), the size scientists advise would protect the reproductive potential of whelk stocks.

This proposal could have an immediate negative impact on the revenues of some fishermen, but in the medium and long terms, these revenue losses would be more than offset by the more stable and healthier stocks that would result.

**Legal authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Pierre Couillard, Senior Advisor, Shellfish and Marine Mammals of the St. Lawrence, Resource Management Branch, Fisheries and Oceans, 910 Cap Diamant, P.O. Box 15500, Quebec, Quebec, G1K 7Y7. Tel.: (418) 648-2564; Fax: (418) 649-8002.

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F&O/95-7-N-I

**Atlantic Fishery Regulations, 1985 - Moving the Boundary between Lobster Fishing Areas 33 and 34**

The placement of the lobster boundary between lobster fishing areas (LFA) 33 and 34 has been challenged by fishers who fish close to the line. For

many years fishers licensed to fish in LFA 33 have fished several miles inside LFA 34. These fishers have requested that F&O move the line to reflect their traditional fishing patterns. Several meetings were held during the past two years between fishers from both sides of the line and the Fisheries and Oceans to try to resolve this controversy.

Consensus has been reached with the majority of those fishers involved to move the line to reflect traditional fishing patterns in the area. It is proposed to move the boundary between lobster fishing areas 33 and 34 several miles to the west. Once a new line is established, fishers on both sides of the line will not be allowed to fish in the adjoining area.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Leo Muise, Chief, Regulations Division, Scotia-Fundy Region, Fisheries and Oceans, P.O. Box 550, Halifax, Nova Scotia, B3J 2S7. Tel.: (902) 426-2473; Fax: (902) 426-3479.

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F&O/95-8-N-I

**Atlantic Fishery Regulations, 1985 - Tour Boat Operations, Possession Limits, and Catch and Release Provisions**

As part of the 1994 Atlantic Groundfish Management Plan, regulations providing for a daily bag limit and seasonal closures were enacted. Regional directors general have the option, through variation orders, of using one or both of these measures, depending on local circumstances and preference.

In 1995, a more area-specific management approach will be developed. The Atlantic Fishery Regulations, 1985 may be amended to introduce the following measures:

- in order to manage tour boat operations separately from the subsistence fishery, a recreational groundfish licence could be established for such operations;
- in the recreational/subsistence groundfish fishery, the possession limit would be set to equal the daily bag limit. The possession limit would apply to fish in the fresh state. This provision would reduce the potential for abuse, especially as it relates to the "black market" sale of recreationally caught cod; and
- for fishing in derbies and tournaments, a catch and release program could be introduced.

**Legal Authority:** Fisheries Act, section 43



**Status:** This is a new initiative.

**Contact:** Edith Dussault, Chief, Resource Utilization, Resources Allocation Branch (Atlantic), Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0016; Fax: (613) 990-7051.

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F&O/95-9-N-L

### **Atlantic Fishery Regulations, 1985 - Removal of the "Silver Hake Box"**

A Canadian silver hake fishery on the Scotian shelf has developed during the past five years. Section 107 of the Atlantic Fishery Regulations, 1985 requires that all vessels fishing for silver hake, squid or argentine with an otter trawl do so only in what is commonly referred to as the "silver hake box." Smaller vessels, less than 65 feet in length, find it difficult to use this fishery because it is located more than 100 miles from shore.

The box was originally put in place to protect other groundfish species from small mesh otter trawls. However, a grate has now been developed that greatly reduces the by-catch of other species.

It is proposed to eliminate the restriction that all Canadian fishing vessels must fish these three species of fish only in the silver hake box. Easing this restriction will allow further development of this promising fishery. If future gear restrictions are required for either silver hake, squid or argentine, they can be effected through licence conditions.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Leo Muise, Chief, Regulations Division, Scotia-Fundy Region, Fisheries and Oceans, P.O. Box 550, Halifax, Nova Scotia, B3J 2S7. Tel.: (902) 426-2473; Fax: (902) 426-3479.

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F&O/95-10-N-L

### **British Columbia Sport Fishing Regulations - Rewrite**

The British Columbia Sport Fishing Regulations were enacted in 1982. Since that time there have been numerous amendments to these regulations in response to the dynamics of managing a quickly developing multi-species fishery. The purpose of the rewrite is to simplify the Regulations and provide flexibility to implement innovative management regimes with the objective of maximizing fishing

opportunities while conserving and protecting the fisheries resource.

This initiative will not impose significant new costs on industry or government. Benefits include simpler, more flexible regulations, designed to respond to the modern sport fishery.

**Legal Authority:** Fisheries Act, section 43

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contacts:** Tom Bird, Chief, Recreational Fisheries Division, Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel.: (604) 666-3271; Fax: (604) 666-3450.

Ted Gale, Director, Legislative and Regulatory Review, Strategic Policy and Planning, Fisheries and Oceans, Station 1184, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 993-2507; Fax: (613) 990-9574.

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F&O/95-11-N-L

### **Fish Health Protection Regulations - Rewrite**

The Fish Health Protection Regulations are being amended following national consultations with all interested parties. Amendments are required to ensure that the necessary powers are in place to prevent the introduction and spread of infectious diseases of aquatic organisms. The Regulations' application will be expanded to all species of finfish (not just salmonids). There will also be new requirements related to: new notification of some disease agents; inspection and testing of fish; treatment and eradication of diseases; disposal and destruction of stocks; and quarantine and isolation of stocks. The Manual of Compliance to the Regulations will be amended to include new data on diagnostic technologies and guidelines for fish disease emergency procedures, quality assurance and quality control in diagnostic laboratories, and appeal procedures.

Economic impacts of these amendments include lowered costs due to reduced disease inspection requirements for some commodities. Shipments of eggs or fish that are not permitted now could be permitted between zones of equal health status. The costs for disease inspections required under the Regulations will shift from government to the private sector. Changes that result in increased costs to the private sector will be phased in to minimize the impact on industry.

The amendments to these regulations may entail subsequent changes to the Pacific Fishery Regulations, 1993 and the Fishery (General) Regulations.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** T.G. Carey, Senior Policy/Program Advisor, Aquaculture and Habitat Science Branch, Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0273; Fax: (613) 954-0807.

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F&O/95-12-O-I

### **Fish Inspection Regulations - Rewrite**

The Fish Inspection Regulations have been amended several times over the past 26 years to deal with specific needs as they arose. During that time, however, no broad review had been undertaken. There is a need to ensure that these regulations are compatible with Canada's international trade obligations, taking into consideration developments in international standards for fish and fish products. In addition, changes are needed to ensure greater consistency with other federal food regulations and to reflect technological developments in the food processing industry.

Taken together, the changes will enhance the industry's international competitiveness by ensuring the Regulations allow for innovative products and processes. The changes will also address consumer concerns regarding health and safety of fish products.

The initiative will not impose significant new costs upon industry.

**Legal Authority:** Fish Inspection Act, section 3

**Status:** This initiative appeared in the 1994 Regulatory Plan as F&O-16.

**Contact:** D. Bevan, Director, Inspection Branch, Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0412; Fax: (613) 990-4668.

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F&O/95-13-N-I

### **Fishery (General) Regulations - Fisheries Data Reporting and Record-Keeping**

Regulatory amendments will be proposed to specify the fisheries data reporting and record-keeping responsibilities of participants in the fishing industry. The obligation to report information on catch, fishing and processing activities, as well as the requirement to keep commercial records of such activities, was

substantially revised in 1991 amendments to the Fisheries Act. While there is a new power under the Fisheries Act regarding commercial records, these records are not expected to differ from the records a commercial operation is already obliged to keep.

These new regulations will be applicable throughout Canada and are the first to be prescribed under the Fisheries Act. It is expected that statistics generated by the additional data received from the fishing community will assist managers to conserve resources. This initiative will also improve the reliability and timeliness of fisheries data used for scientific stock assessment and resource management operations.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Michelle James, Program Planning and Economics Branch, Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel.: (604) 666-3340; Fax: (604) 666-3450.

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F&O/95-14-N-L

### **Fishery (General) Regulations - Identification of Fishing Gear Left Unattended in the Water**

Regulations require that a tag, float or buoy, bearing a prescribed identification number, be affixed to one end of fishing gear, where the gear is not fastened to the shore. The Fishery (General) Regulations will be amended to require that the same identification markings be affixed to both ends of the gear. In the many areas where there are long strings of gear and heavy concentrations of gear, it is difficult to find both ends of a particular piece of fishing gear.

To ascertain if gear is properly marked, it is now often necessary to pull the gear. This takes a great deal of time and effort and is not always possible to do from a small patrol boat. This change will reduce the time and effort required to enforce the gear marking regulations.

The impact on fishers will be minimal. It will require more buoys, but most fishers will likely have sufficient buoys on hand.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** L.H. Reilly, Staff Officer, Legislation, Fisheries and Habitat Management Branch, Fisheries

and Oceans, P.O. Box 5667, St. John's, Newfoundland, A1C 5X1. Tel.: (709) 772-4416; Fax: (709) 772-2046.

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F&O/95-15-N-I

### **Manitoba Fishery Regulations, 1987 - Annual Amendments**

The proposed regulatory changes will:

- update schedules of high-quality management and stocked trout waters;
- update the schedule of waters where the use of boats propelled by means other than human or electric power is prohibited for sport fishing;
- introduce Family Fishing Weekend in Manitoba;
- prohibit the use of live aquatic bait, such as salamanders, crayfish, leeches and frogs, in Sport Fishing Divisions 2 and 3; and
- revise the Plan of Survey Map for sport fishing divisions of waters in Manitoba.

Costs associated with these amendments will be limited. The regulations will be clearer and easier to use, and no impact will be felt by law-abiding anglers.

**Legal Authority:** Manitoba Fishery Regulations, 1987

**Status:** This is a new initiative.

**Contact:** Sherman Fraser, Manitoba Fisheries Branch, Department of Natural Resources, Box 20, 1495 St. James Street, Winnipeg, Manitoba, R3H 0W9. Tel.: (204) 945-7806; Fax: (204) 948-2308.

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F&O/95-16-N-L

### **Maritime Provinces Fishery Regulations - Recreational Eel Fishery, Prince Edward Island**

The Maritime Provinces Fishery Regulations currently establish a close time for eels by gear type for the inland and tidal waters of the province. This new initiative will establish a recreational eel fishery with a close time, gear type and recreational bag limit.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Peter Zahrdt, Area Chief, Conservation and Protection, Fisheries and Oceans, P.O. Box 1236, Charlottetown, P.E.I., C1A 7M3. Tel.: (902) 566-7793; Fax: (902) 566-7848.

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F&O/95-17-N-L

### **Maritime Provinces Fishery Regulations - Recreational Fishing Restrictions For Nova Scotia**

The Province of Nova Scotia has requested changes to the rules governing recreational fishing in the province. These amendments to the Maritime Provinces Fishery Regulations reflect recommendations received from provincial biologists, fisheries managers and user groups. Extensive consultations dealing with all aspects of recreational fishing in Nova Scotia were held between the province, Fisheries and Oceans and recreational user groups during 1993 and 1994. The amendments will affect the length of the trout fishing season, establish length limits for certain species of trout, allow for reduced species bag limits, establish recreational fishing areas, and restrict certain types of fishing gear in certain waters of the province.

These changes will help to rebuild trout stocks and provide enhanced recreational fishing opportunities in Nova Scotia.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Leo Muise, Chief, Regulations Division, Scotia-Fundy Region, Fisheries and Oceans, P.O. Box 550, Halifax, Nova Scotia, B3J 2S7. Tel.: (902) 426-2473; Fax: (902) 426-3479.

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F&O/95-18-N-L

### **Maritime Provinces Fishery Regulations - Ice Fishing in Prince Edward Island**

These amendments will permit ice fishing in certain waters of Prince Edward Island. Existing regulations permit only fishing by angling, whereas these amendments will permit fishing with set lines in specific inland waters in the Province of Prince Edward Island. Appropriate close times and quotas respecting ice fishing with set lines will also be established.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Peter Zahrdt, Area Chief, Conservation and Protection, Fisheries and Oceans, P.O. Box 1236, Charlottetown, P.E.I., C1A 7M8. Tel.: (902) 566-7793; Fax: (902) 566-7848.

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F&O/95-19-N-L

## **Maritime Provinces Fishery Regulations - Minimum Length of Trout for Prince Edward Island**

This amendment will establish a minimum length for capture for all species of trout in the inland and tidal waters of Prince Edward Island. Establishing a minimum length will permit the species to spawn at least once before capture. This measure will conserve and protect the species.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Peter Zahrndt, Area Chief, Conservation & Protection, Fisheries and Oceans, P.O. Box 1236, Charlottetown, P.E.I., CIA 7M8. Tel.: (920) 566-7793; Fax: (902) 566-7848.

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F&O/95-20-R-L

## **Miscellaneous Amendments - Minor Corrections to Regulations made under the Fisheries Act**

Fisheries and Oceans administers a large number of regulations, many of which require minor corrections from time to time to update area descriptions or to correct typographical errors and discrepancies between the English and French versions of significant regulations. The amendments have no policy implications and no impact on stakeholders. Since the amendments are relatively minor, F&O makes the corrections in a single amendment package that is submitted to the Governor in Council once a year.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a recurring initiative.

**Contact:** Dennis Denny, Chief, Regulations Unit; Strategic Policy and Planning, Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0110; Fax: (613) 990-9574.

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F&O/95-21-N-L

## **Newfoundland Fishery Regulations - Rewrite**

As a result of two consolidation of regulations exercises, some 52 provisions of the Newfoundland Fishery Regulations were revoked or transferred to the Atlantic Fishery Regulations, 1985 or to the Fishery (General) Regulations. This has left the Newfoundland

Fishery Regulations disorganized and difficult to read. A complete rewrite is necessary to restore coherence.

The rewrite will, in the main, be a consolidation of existing regulations. There will be some new provisions and some further provisions transferred to the Atlantic Fishery Regulations, 1985.

**Legal Authority:** Fisheries Act, sections 43 and 79.7

**Status:** This initiative appeared in the 1994 Plan as a future initiative.

**Contact:** L.H. Reilly, Staff Officer, Legislation, Fisheries and Habitat Management Branch, Fisheries and Oceans, P.O. Box 5667, St. John's, Newfoundland, A1C 5X1. Tel.: (709) 772-4416; Fax: (709) 772-2046.

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F&O/95-22-N-I

## **Ontario Fishery Regulations, 1989 - Annual Amendments**

Amendments to the Ontario Fishery Regulations, 1989 will include amendments affecting fishing division descriptions, provincial fish sanctuaries, fishing seasons and size limits along with miscellaneous amendments for the conservation and protection of fish.

The term "angler" will be defined in the Regulations to assist in the enforcement of restrictions on mechanical angling aids. Currently, all anglers in Ontario are required to hold a licence in order to sport fish. This section will be revised to allow exemptions from this requirement under the provincial act.

A new section is proposed to restrict the possession of any live fish, other than bait fish, in specified waters in Ontario Fishing Divisions 22, 30 and 31.

A new section is proposed that would prevent anglers who are in possession of the legal limit of any species for Rainy Lake from fishing on the waters of Rainy Lake regardless of where the fish were caught.

Currently, only bait fish (via the Ontario Fishery Regulations, 1989) and salmonids (via the Fish Health Protection Regulations) are subject to any regulatory mechanism to control movement into Ontario. This amendment would give the provincial Minister the ability to restrict the movement of fish into the Province of Ontario.

Several new fish sanctuaries are proposed for varying periods of time to protect spawning fish and to allow stocked fish to become established.

**Legal Authority:** Fisheries Act, section 43

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Andrew Houser, Director, Resource Stewardship and Protection Branch, Ontario Ministry of Natural Resources, P.O. Box 7000, Peterborough, Ontario, K9J 8M5. Tel.: (705) 740-1244; Fax: (705) 740 1257.

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F&O/95-23-N-L

### **Pacific Fishery Regulations, 1993 - Commercial Fishery Review**

The Pacific Fishery Regulations, 1993 will be amended once Fisheries and Oceans has reviewed its management of commercial fisheries in the Pacific Ocean. Beginning with groundfish, sablefish and halibut, the department is undertaking a fishery-by-fishery review for the commercial sector. New policies and programs for the management of Pacific fisheries will likely result from the Review Committee's recommendations.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Ted Gale, Director, Legislative and Regulatory Review, Strategic Policy and Planning, Fisheries and Oceans, Station 1184, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 993-2507; Fax: (613) 990-9574.

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F&O/95-24-N-L

### **Regulatory Amendments Consequential to Land Claim Settlements in the Northwest Territories**

Four aboriginal land claims have been settled in the Northwest Territories over the past 10 years. Current fishery regulations will be amended to ensure they are consistent with land claims legislation. The Northwest Territories Fishery Regulations will be rewritten, while minor amendments will be made to the Fishery (General) Regulations and the Marine Mammal Regulations relating to licensing and fishing gear.

The rewrite will remove outdated provisions, as well as simplify and streamline the regulations to make them more flexible. The department will be able to respond more quickly to decisions of the wildlife management boards to ensure conservation and provide continuing benefits to all resource users. Consultations with wildlife management boards and other resource user groups are currently under way.

**Legal Authority:** Fisheries Act, section 43

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** J. Grant Pryzynek, Coordinator, Conservation & Protection and Regulations, Central and Arctic Region, Fisheries and Oceans, P.O. Box 2310, Yellowknife, Northwest Territories, X1A 2P7. Tel.: (403) 920-6635; Fax: (403) 873-8871.

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F&O/95-25-N-L

### **Quebec Fishery Regulations, 1990 - Annual amendments**

The amendments to the Quebec Fishery Regulations, 1990 (QFR) will:

- eliminate "organized groups" from the Regulations for licensing purposes;
- when a person is fishing char at the mouth of the Matane River, authorize the use of only one gear type in order to impede illegal salmon fishing;
- in area 25, impose a daily quota of 30 black crappies, since crappies are now being overfished by some fishermen;
- revoke the prohibition on fishing with leeches originating from waters other than those of Quebec;
- add the fishing guides Sportfishing in Québec - Main Regulations and Salmon Sportfishing/*La pêche sportive au saumon* to the list of methods (section 4 of the QFR) that can be used to give public notice of amendments to the Regulations made by variation order; and
- establish size limits for lake and Atlantic sturgeon to protect breeding stocks.

The cost of these amendments is more than offset by the long-term advantages brought about by better management practices and protection measures.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Gaëtan Hamel, Chief, Regulations, Ministry of Wildlife and the Environment, 150 René-Lévesque Boulevard East, 4th floor, Quebec, Quebec, G1R 4Y1. Tel.: (418) 646-3306; Fax: (418) 528-0834.

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F&O/95-26-N-L

### **Saskatchewan Fishery Regulations - New Provincial Fisheries Legislation**

Saskatchewan has enacted legislation for management of fisheries in that province. As a result, Saskatchewan is proposing that the federal fisheries regulations, the

Saskatchewan Fishery Regulations, be repealed. However, not all federal responsibilities will be affected; the Fish Health Protection Regulations, which affect imports of diseased fish, will continue to apply. The Fisheries Act will remain in force and continue to apply in Saskatchewan. Fisheries and Oceans and Saskatchewan are discussing a policy framework for the repeal of the Saskatchewan Fishery Regulations. Extensive consultations will be initiated before a final agreement is concluded.

These amendments concerning who regulates fisheries in Saskatchewan would have no economic impacts.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Ted Gale, Director, Legislative and Regulatory Review, Strategic Policy and Planning, Fisheries and Oceans, Station 1184, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 993-2507; Fax: (613) 990-9574.

F&O/95-27-N-L

### **Yukon Territory Fishery Regulations - Designating Additional Lakes as High-Quality Management Waters**

Length limits are prescribed for designated waters in the Yukon Territory Fishery Regulations to protect the respective size classes of lake trout, arctic grayling and northern pike which are most important for reproduction. A "slot limit" is prescribed for each species (e.g. all lake trout between 65 cm and 100 cm in length, if caught in high-quality management waters, must be returned to the water alive). The catch and possession limits for lake trout, arctic grayling and northern pike in high-quality management waters are lower than in undesignated lakes. As these restrictions apply to the quota and size of fish, they may be implemented by variation orders pursuant to the Fishery (General) Regulations.

Only barbless hooks may be used in high-quality management waters, in order to facilitate live release. Gear restrictions cannot be implemented by means of variation orders.

The schedules of high-quality management waters in the Yukon Territory Fishery Regulations will be amended to include 18 new waters, increasing the total to 36.

This change will have negligible economic impact. Fishing lodge operators on the affected waters were informed of pending changes one year in advance of

implementation. Renewable Resources is consulting with the Fish and Wildlife Management Board and the public before proceeding with variation orders.

**Legal Authority:** Fisheries Act, section 43

**Status:** This is a new initiative.

**Contact:** Don Toews, Chief, Fisheries, Yukon Department of Renewable Resources, P.O. Box 2703, Whitehorse, Yukon, Y1A 2C6. Tel.: (403) 667-5117; Fax: (403) 668-4363.

F&O/95-28-O-L

### **Various Regulations - Revision of Prescribed Fines for Ticketable Offenses**

The 1991 amendments to the Fisheries Act increased the maximum fine level for ticketable offenses from \$100 to \$1,000.

Currently, ticketable offenses exist under the British Columbia Sport Fishing Regulations, the Fishery (General) Regulations and regulations applicable in the freshwater provinces. The regulations made under the Act will be reviewed to determine whether any of the existing fines should be increased and whether any of the more serious offenses should be added to the lists of ticketable offenses.

The regulations will be more efficiently enforced if a wider range of offenses is covered by set fines. Enforcement staff will be able to use their time more productively by issuing tickets for certain offenses rather than having to take cases to court. This will result in cost savings to the department and will ease the burden on the court-system somewhat. There will be no impact on the law-abiding public.

**Legal Authority:** Fisheries Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as F&O-28.

**Contact:** D.J. Denny, Chief, Regulations Division, Strategic Policy and Planning, Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0110; Fax: (613) 990-9574.

## **Future Initiatives**

### **Manitoba Fishery Regulations, 1987 - New Provincial Fisheries Legislation**

Manitoba will initiate a process and develop mechanisms that provide Manitoba with a greater voice in fisheries management decisions, improve the



coordination of programs directed to the fishery, and streamline regulatory and legislative processes. To this end, Manitoba is planning to enact legislation concerning fishing activities related to proprietary rights in that province.

Manitoba assigns proprietary rights to the inland fisheries and administers these fisheries within its provincial boundaries. However, as with coastal fisheries, legislative authority to regulate for conservation rests with the federal government. Saskatchewan has developed a provincial fisheries regulatory system (The Fisheries Act (Saskatchewan), 1994). Manitoba is therefore studying the possibility of enacting similar legislation concerning fisheries in Manitoba. If legislation is enacted, the federal government would then examine the necessity of amending the Manitoba Fishery Regulations, 1987.

Such changes would be unlikely to have a negative impact on Manitoba's fishers since the existing rules would simply be transferred from one jurisdiction to another. No costs over and above the present ones for regular program delivery of the Department of Natural Resources are expected. Discussion papers will be prepared as part of a public consultation process with those who have an interest in Manitoba fisheries management.

**Classification:** Intermediate-cost initiative

**Contact:** Sherman Fraser, Manitoba Fisheries Branch, Department of Natural Resources, Box 20, 1495 St. James Street, Winnipeg, Manitoba, R3H 0W9. Tel.: (204) 945-7806; Fax: (204) 948-2308.

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## **Yukon Territory Fishery Regulations - Rewrite**

The Yukon Territory Fishery Regulations prescribe measures for the proper management and control of anadromous and freshwater fisheries. These regulations have been amended 13 times, since proclamation in 1978, and further changes are required.

Discussions between federal and territorial fisheries officials revealed that the preferred course of action is to prepare a comprehensive revision, rather than to proceed with further, piecemeal amendments. Amendments to the respective provisions for anadromous and freshwater fisheries will proceed in a parallel, integrated manner.

The Fish and Wildlife Management Board, which represents user-group and public interests, and the

Salmon Sub-committee will be consulted. Other stakeholders will have input through the Board or Sub-committee, or directly to the federal and territorial departments.

**Classification:** Low-cost initiative

**Contacts:** Don Toews, Chief, Fisheries, Department of Renewable Resources, Box 2703, Whitehorse, Yukon, Y1A 2C6. Tel.: (403) 667-5117; Fax: (403) 668-4363.

Gordon Zealand, Acting Area Manager, Fisheries and Oceans, 122 Industrial Road, Whitehorse, Yukon, Y1A 2T9. Tel.: (403) 667-2235; Fax: (403) 668-6829.

# Foreign Affairs and International Trade Canada

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## General Information

### Roles and responsibilities

Foreign Affairs and International Trade Canada (FAIT) promotes and protects Canadian interests abroad and manages Canada's external relations. Major components of the program are foreign policy priorities and coordination; international trade development; international trade, economic and aid policy; political and international security affairs; legal, immigration and consular affairs; communication and culture; bilateral relations and operations; operational support; and human resource planning and administration.

### Legislative Mandate

Foreign Affairs and International Trade Canada derives legislative authority from the Department of External Affairs Act. In the economic field, the Export and Import Permits Act gives the government the authority to control and monitor the transborder flow of specified goods. Other enabling legislation governing Canada's international obligations includes:

- Diplomatic and Consular Privileges and Immunities Act
- Food and Agriculture Organization of the United Nations Act
- International Boundary Waters Treaty Act
- Privileges and Immunities (International Organizations) Act
- Rainy Lake Watershed Emergency Control Act
- Roosevelt Campobello International Park Commission Act
- United Nations Air Services Act

## Initiatives for 1995

FAIT/95-1-R-L

### Export Control List

This regulatory initiative is intended to address amendments to the national and international export controls as detailed in the Export Control List of April 1994.

These changes will result in a new Export Control List covering Canada's bilateral and multilateral international agreements, particularly in light of changes made to the Coordinating Committee for Multilateral Strategic Export Controls (COCOM), the establishment of a New Forum in the post-COCOM environment and changes made to the various non-proliferation regimes including the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group and the Chemical Weapons Convention.

**Legal Authority:** Export and Import Permits Act

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Lester B. Pearson Building, Tower C, 4th Floor, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.  
Tel.: (613) 996-0197; Fax: (613) 996-9933.

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FAIT/95-2-R-L

### General Export Permits

This regulatory initiative is intended to amend the existing General Export Permits (GEP) to reflect changes being made to the Export Control List in 1995.

These changes will amend current regulations to help streamline the export control process for the benefit of the Canadian exporting community.

**Legal Authority:** Export and Import Permits Act

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Lester B. Pearson Building, Tower C, 4th Floor, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel.: (613) 996-0197; Fax: (613) 996-9933.

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FAIT/95-3-R-L

### **Export Permit Regulations**

This regulatory initiative will amend the Export Permit Regulations to bring them up to date and to reflect the new period of validity of permits and the new permit application form. These changes will make current permit practices more consistent.

**Legal Authority:** Export and Import Permits Act

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Lester B. Pearson Building, Tower C, 4th Floor, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel.: (613) 996-0197; Fax: (613) 996-9933.

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FAIT/95-4-R-L

### **Area Control List**

This regulatory initiative will amend the existing Area Control List (ACL) to make it consistent with changes in Canadian policy.

The United Nations and other international organizations of which Canada is a member occasionally pass resolutions to impose or lift trade embargoes or sanctions against countries. Changes to the Area Control List will be made in a timely manner to effectively implement Canadian policy.

**Legal Authority:** Export and Import Permits Act

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Lester B. Pearson Building, Tower C, 4th Floor, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel.: (613) 996-0197; Fax: (613) 996-9933.

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FAIT/95-5-N-M

### **Regulations to implement agreements reached under the General Agreement on Tariffs and Trade in the Uruguay Round of Multilateral Trade Negotiations**

Ministers have not yet decided how to administer the tariff rate quotas established under the General Agreement on Tariffs and Trade Agreement on Agriculture. Depending on their decision, FAIT may be required to adopt new regulations or to amend existing ones under the Export and Import Permits Act.

**Legal Authority:** Export and Import Permits Act

**Status:** This is a new initiative.

**Contact:** Randle Wilson, Deputy Director, Special Trade Policy Division, Foreign Affairs and International Trade Canada, P.O. Box 481, Station A, Ottawa, Ontario, K1N 9K6. Tel. (613) 995-2744; Fax: (613) 996-0612.

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FAIT/95-6-O-L

### **General Import Permits - Textiles and Clothing**

The General Import Permits for textiles and clothing (numbers 4 and 10) will be revised to reduce the paper burden for small shipments. Another revision will provide access to the General Import Permits for Canadian-made goods returning to Canada.

**Legal Authority:** Export and Import Permits Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as FAIT-4.

**Contact:** Louis Gionet, Import Controls Division I (EPT), Export and Import Permits Bureau, Foreign Affairs and International Trade Canada, P.O. Box 481, Station A, Ottawa, Ontario, K1N 9K6. Tel.: (613) 995-8367; Fax: (613) 995-5137.

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FAIT/95-7-O-L

### **Import Control List - Harmonized System**

In 1988, Canada adopted the Harmonized Commodity Description and Coding System (HS). The adoption of the HS has made it necessary to revise the Import Control List for textiles and clothing in order to conform with the different coding structure found in the HS.

**Legal Authority:** Export and Import Permits Act



**Status:** This initiative appeared in the 1994 Regulatory Plan as FAIT-5.

**Contact:** Greig Lund, Import Controls Division I (EPT), Export and Import Permits Bureau, Foreign Affairs and International Trade Canada, P.O. Box 481, Station A, Ottawa, Ontario, K1N 9K6.  
Tel.: (613) 996-5775; Fax: (613) 995-5137.

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FAIT/95-8-R-L

### **Import Control List - Textiles and Clothing**

Canada has bilateral restraint arrangements with various low-cost sources of textiles and clothing. Many of these arrangements are scheduled to expire on December 31, 1994, but it is anticipated that they will either be renewed or superseded by an alternative restraint system. As a result, goods included on the Import Control List pursuant to bilateral restraint arrangements will be renewed or deleted from the list to implement the restraint system in operation at the time.

**Legal Authority:** Export and Import Permits Act

**Status:** This is a recurring initiative.

**Contact:** Michael Fine, Import Controls Division I (EPT), Export and Import Permits Bureau, Foreign Affairs and International Trade Canada, P.O. Box 481, Station A, Ottawa, Ontario, K1N 9K6.  
Tel.: (613) 996-5361; Fax: (613) 995-5137.

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FAIT/95-9-R-L

### **Privileges and Immunities Order**

In order to respect its international obligations, the Government of Canada is obliged to grant privileges and immunities to different international organizations exercising some activities in Canada, as well as to representatives of member states and to the officials of these organizations who are neither citizens nor permanent residents of Canada. Canada is also obliged to grant privileges and immunities to the organizers of and participants in international conferences taking place in Canada to such extent as may be required for the exercise of their functions.

**Legal Authority:** Foreign Missions and International Organizations Act, S.C. 1991, chapter 41

**Status:** This is a recurring initiative.

**Contact:** Donald W. Smith, Director, Legal Advisory Division (JLA), Foreign Affairs and International Trade Canada, Lester B. Pearson Building,

125 Sussex Drive, Ottawa, Ontario, K1A 0G2.  
Tel.: (613) 992-6296; Fax: (613) 944-0870.

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FAIT/95-10-N-I

### **Regulations to implement the Chemical Weapons Convention, opened for ratification in January 1993**

The Secretary of State for External Affairs signed the Chemical Weapons Convention (CWC) in January 1993. Legislation implementing the CWC in Canada is expected to come into effect in 1995. New regulations governing the conduct of inspections and the collection of data under the proposed legislation will be required. Additionally, it may be necessary for responsible departments to adopt new regulations or amend existing ones under other acts. These may include the Export and Import Permits Act and the Customs Act.

**Legal Authority:** Enabling legislation expected to be enacted in 1995

**Status:** This is a new initiative.

**Contact:** J.T. Boehm, Chemical Weapons Convention National Authority, Foreign Affairs and International Trade Canada, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, Ontario K1A 0G2. Tel.: (613) 944-0473; Fax: (613) 944-1835.

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## General Information

### Roles and Responsibilities

The Health Protection Branch (HPB) has responsibility for administering four activities: Food Safety, Quality and Nutrition; Drug Safety, Quality and Efficacy; Environmental Quality and Hazards, and National Health Surveillance. The Branch identifies, advises on, assesses and manages risks to human health associated with food, drugs cosmetics, medical devices, radiation-emitting devices, pesticides, consumer products and materials in the workplace and with the man-made and natural environment. It also monitors the occurrence and cause of communicable and non-communicable disease.

The responsibility for the safety of marketed products continues to be a shared responsibility between industry, Health Canada and consumers. Industry has the responsibility to produce safe products which comply with the legislative requirements. Consumers have a responsibility to use these products safely, as they were intended to be used. The role of HPB, is to monitor the safety of marketed products and where appropriate, regulate to ensure consumers have access to safe and effective products.



While HPB's role has not changed, the Branch can only continue to be effective in monitoring and regulating products by responding to present environmental pressures such as:

- government fiscal restraint and the need to be more effective and efficient;
- industry competitiveness in the international market place;
- public concerns for safe products and a safe environment coupled with increased demands for access to alternative medicines and treatments; and
- changing demographics.

The Branch will be flexible in responding to these environmental pressures, taking account of the concerns of all stakeholders; industry, consumers and other government agencies. The Branch will look for alternatives to regulations in dealing with the regulated products and will increase consultation with stakeholders. These regulatory alternatives will be considered as long as they respect the following principles:

- health and safety will not be compromised;
- international agreements will be respected;
- the cost to the Canadian tax payer will be reduced; and
- Canadian competitiveness will be enhanced.

#### Highlights of the 1995 Plan

The Health Protection Branch is responding to the environmental pressures described previously through the 1995 regulatory initiatives.

This year, the Branch will focus on the timely completion of regulatory initiatives which are aimed at aiding the Canadian micro-economic agenda. These initiatives will contribute to reducing the regulatory burden on Canadian industry without compromising health and safety of Canadians.

The Branch is seeking to harmonize with international standards wherever possible, to reduce Canadian-made regulatory requirements. Some initiatives in this area are new standards for Diagnostic X-Ray Equipment, Child Resistant Lighters and Cocoa Products.

The Branch is proposing to increase the ability of manufacturers to test product in Canada through regulations concerning Investigational New Drug Submissions and Sale of a Device for Investigational Testing.

Other Branch initiatives are aimed at allowing industry increased market access. Initiatives in this

area are expansion of foods allowed for use in weight reduction diets and permission to advertise certain nutritional supplements, revision of pre-market evaluation for menstrual tampons and the addition of a drug standard to the Food and Drugs Act.

The Branch is improving operational efficiency by implementing recommendations in the Hearn, Gagnon and Regulatory Review reports. Some specific initiatives include notifiable changes for new drug submissions, screening of new drug submissions and the rationalisation of requirements for insulin and sensitivity disks and tablets.

HPB is also moving to implement cost recovery and revenue generation in the area of the Medical Device Program and the Drug Approval system. The Branch has initiatives to develop risk based programs, thereby reducing the resources assigned to low risk products. Present initiatives in this area are the abbreviated new drug submissions and the interim marketing authorization relative to approved food additives, agricultural chemical and veterinary drug MRL's and nutrient addition to food. Future initiatives are the risk based regulations for medical devices and for drugs.

In Medical Services Branch, one of the four mandates of the Occupational and Environmental Health Directorate, is the monitoring of equipment and facilities serving the travelling public and on federal property open to the public. This includes common carrier conveyances, like aircraft, trains, cruise ships and ferries; their ancillary services, such as flight kitchens; and also includes federal properties such as national parks and historic sites.

#### Future pressures

There will be pressures that arise from consumer concerns and the political agenda such as the requirement for biotechnology regulations, tobacco regulations and narcotic and controlled substances regulations. The Health Protection Branch is participating in other Departmental reviews such as CEPA review and is proceeding with an Environmental hazards review.

The results of the Krever enquiry, the Royal Commission on New Reproductive Technology and the Government program review will undoubtable have an effect on Health Protection Branch activities. They may cause a shift in priorities and resources as the Branch responds to the recommendations in the reports.

The policy direction noted above provides the context for the regulatory initiatives listed in the following pages.

## **Legislative Mandate**

The Acts administered in whole or in part by the Minister of Health Canada are:

- Canada Health Act
- Canada Medical Act
- Canadian Environmental Protection Act
- Canadian Centre on Substance Abuse
- Department of National Health and Welfare Act
- Federal Provincial Fiscal Arrangements and Federal Post Secondary Education and Health Contributions Act
- Fitness and Amateur Sport Act
- Food and Drugs Act
- Hazardous Products Act
- Health Resources Fund Act
- Medical Research Council Act
- Narcotic Control Act
- Patent Act
- Quarantine Act
- Queen Elizabeth II Canadian Research Fund Act
- Radiation Emitting Devices Act
- Sport Pool and Loto Canada Winding up Act
- Tobacco Sales to Young Persons Act
- Tobacco Products Control Act

## **Administrative Arrangements**

- Aeronautics Act
- Atomic Energy Control Act
- Broadcasting Act
- Canada Labour Code
- Canadian Shipping Act
- Energy Supplies Emergency Act
- Excise Tax Act
- National Parks Act
- Pest Control Products Act
- Pesticide Residue Compensation Act
- Railway Act
- Trade Marks Act

## **Initiatives for 1995**

### **Health Protection Branch**

HCAN/95-1-O-1

#### **Abbreviated New Drug Submissions**

This regulatory initiative will establish a regulatory framework for abbreviated new drug submission for

second entry (generic) products and will provide for a federal declaration of equivalence.

These amendments will define specific requirements for an abbreviated new drug submission. The streamlining of the information to be reviewed will be a positive benefit of these regulations. The Government and drug manufacturers will benefit by the streamlining of the requirements to show the safety and effectiveness of their products. There should be no additional cost to manufacturers. In addition, the declaration of equivalence will assist in the decision to include a generic product in a provincial drug plan.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-14.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCAN/95-2-O-1

#### **Good Manufacturing Practices (GMP) for Biologics**

This regulatory initiative will prescribe standards for the manufacture, control and distribution of biological drugs (e.g., vaccines, blood products) intended for use in humans.

At present, regulatory requirements for Good Manufacturing Practices (GMP) do not exist for Schedule D drugs. As a condition of the issuance and continuation of a licence, periodic on-site inspections of manufacturing facilities are carried out to ensure adherence to the GMP.

This proposal has been the subject of broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the Information Letter process.

Manufacturers will benefit from a clearer and more efficient regulatory scheme, and Canadian standards will be harmonized with those of other countries.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-18.

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HCan/95-3-N-I

### **Cost Recovery**

The Drugs Directorate announced its intention to charge fees for service in HPB Information Letter No. 748. Such fees are the norm in other countries and have been government policy in Canada for a number of years.

A proposal to charge fees for manufacturer licences and product licences for this fiscal year (1994-95) will be submitted to Treasury Board later this fall. Treasury Board policy on charging fees will be followed, as will the consultation requirements of the regulatory process.

While details of the cost recovery program are still under development, it is the intent of the Drugs Program in Health Canada to recover operating costs based on a combination of the following:

- product licence fees;
- manufacturer licence fees;
- submission evaluation fees; and
- and miscellaneous service charges.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover annual licence fees to start in the January - March , 1995 period. Further details will be provided in the *Canada Gazette*.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

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HCan/95-4-O-L

### **GP Registration for a Product with more than one Fragrance, Flavour, or Colour**

Division 10 of the Food and Drug Regulations sets out requirements for the issuing of a numbered certificate of registration for GP products (proprietary medicines). Existing regulations require the assignment of a separate number for each flavour, fragrance or colour of a product.

This regulatory initiative will permit the use of the same GP number for products that differ only in their fragrance, flavour or colour.

These amendments have been requested by the segment of the cosmetics industry that markets products containing sun screens and other drugs. The paperburden to both government and industry will be reduced. The economic impact will be positive in both cases.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-3.

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HCan/95-5-O-L

### **Drug Identification Numbers (DIN) for Private Label Companies**

Currently, each brand name product is assigned a distinctive DIN. Concerns have been expressed respecting the burden of this regulatory requirement on manufacturers of private label products (products manufactured at one site and distributed by several distributors under brand names unique to each distributor).

The Drugs Directorate is examining alternatives to remedy this problem.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-30.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCan/95-6-O-I

### **Adverse Drug Reaction (ADR) Reporting**

Currently, adverse drug reaction reports are only required for new drugs. The amendment would extend the requirement for manufacturers to report ADRs to all drugs. These amendments harmonize Canadian definitions for adverse drug reactions with international standards.

The additional burden to drug manufacturers will be outweighed by the positive impact on the health and



safety of Canadians, decreased regulatory requirements, and a more efficient and effective monitoring process.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-15.

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HCan/95-7-O-L

### **Investigational New Drug (IND) Submissions**

An investigational new drug (IND) submission must be filed with the government in order to test a new human or veterinary drug. These amendments revise the requirements for an IND submission. The revisions will increase the efficiency and effectiveness of government review of IND submissions, allow manufacturers greater flexibility, and enact measures to increase patient information and safety.

The pharmaceutical industry and research community have been consulted with respect to the proposal. The benefit to industry would be the clarification and case facilitation in conducting clinical studies in Canada, thereby increasing the opportunities for clinical trials. Costs to industry are in the nature of an investment in research and development.

**Legal Authority:** Food & Drug Acts, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-3.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCan/95-8-O-I

### **Non-medicinal Ingredients (NMI)**

The Drugs Directorate has proposed that manufacturers of drug products disclose non-medicinal ingredients on their labels in addition to the current medicinal ingredient disclosure. The declaration of such ingredients on product labels would enable individuals who are allergic or sensitive to avoid those agents known to cause adverse reactions and to identify the causative agent in such reactions.

The cost of relabelling drug products is outweighed by the benefit to consumers who have serious reactions to small amounts of non-medicinal ingredients. The manufacturers' cost will be minimized by deferring implementation of the regulatory amendments for two years.

This proposal has been the subject of a broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the information letter process, meetings with interested parties, and re-prepublication of a revised proposal in *Canada Gazette*, Part I, on February 5, 1994.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-1.

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HCan/95-9-O-L

### **Notifiable Changes for New Drugs/Screening of NDS**

This proposal will provide the regulatory framework for efficient management of information and material in an effort to expedite the drug evaluation process.

In addition, it would allow notification of simple changes rather than require a supplemental new drug submission, thereby reducing the number of supplemental new drug submissions.

This initiative reduces the administrative burden for the government and industry. Also, the initiative reduces the volume of interpretation requests by industry for individual drug products.

**Legal Authority:** Food & Drug Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-2.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCan/95-10-R-L

### **Food and Drugs Act and Regulations: Schedules A, D, G, and F - Additions, Deletions and Corrections**

Various amendments as required will change Schedule A (diseases), Schedule D (biologicals) and Schedule G (controlled drugs) to the Food and Drugs Act, and to Schedule F (prescription drugs) to the Food and Drug Regulations.

Additions to Schedule F of the Food and Drug Regulations relate to drug products whose manufacturers anticipate the inclusion of the drug in the schedule. Amendments will be made subsequent to consultation with the affected parties.

**Legal Authority:** Food and Drugs Act, section 30 and section 45

**Status:** This is a recurring initiative.

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HCan/95-11-R-L

### **Schedule F - Deletions**

Deletions from Schedule F allow for the descheduling of drug products which result in a change from prescription to non-prescription Status. Proposals to de-schedule are often requested by the manufacturer of a particular drug and are subject to government approval based on the drug's safety profile. When the benefit-to-risk ratio is justified, the drug product can be deleted from Schedule F following the normal regulatory consultation process with stakeholders. This provides the public with easier access to safe and effective treatments without unnecessary restrictions.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCan/95-12-R-L

### **Drug Colouring Agents**

This action adds, deletes, or corrects entries to the lists of colouring agents permitted in drugs for internal or external use.

Additions to the colour list in the Food and Drugs Regulations provide drug manufacturers with more flexibility regarding acceptable colouring agents and provide for a more efficient review process.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCan/95-13-N-L

### **Testing of Random Lot Samples**

This proposal will eliminate the requirement for manufacturers of insulin and sensitivity discs to submit a sample for each lot of their product. Safety concerns are adequately addressed by alternate provisions in Division 4 of the Food and Drugs Regulations.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a new initiative.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
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HCan/95-14-N-L

### **Child Resistant Packaging- Drugs**

In the Food and Drug Regulations the standards to which child resistant packaging must comply are revised as required by the sponsoring organizations to keep them up to date with new advances in packaging and scientific technology.

This regulatory amendment changes the references to the following child resistant package standards to continually reflect the most recent edition, including all errata, supplements, revisions, and addenda of the following standards:

- Canadian Standards Association Standard;
- British Standards Institution Standard; and
- 16 Code of Federal Regulations (United States), Section 1700.15.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a new initiative.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection

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HCan/95-10-O-I

### **DIN Information Requirements**

This initiative would introduce decision criteria and data requirements for DIN products not in New Drug Status tailored to risk/benefit assessment. Applicants of DIN submissions, would be required to provide additional information and a DIN submission Certification, to confirm that the sale of their product would not cause injury to the health of the consumer.

By ensuring that all the information and data are submitted initially, an applicant will enable the Drugs Directorate to effectively evaluate the DIN submission. This will expedite the review process.

This regulatory amendment will also require drug manufacturers to notify the Drugs Directorate prior to the sale of the product when its use or purpose or the recommended dosage has changed. This will ensure that proposed new uses or dosages for a drug product are reviewed and approved before it is put on the market. Currently, notification is required within 30 days of the change. The impact on manufacturers will therefore be minimal.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-24.

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HCan/95-16-O-I

### **NMI Labelling for Cosmetics**

This initiative would amend the Cosmetic Regulations to the Food and Drugs Act to require the qualitative declaration of all ingredients on cosmetics labels. The proposal has been the subject of broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the Information Letter process.

Disclosure of ingredients in cosmetics would provide access to information that may assist in the prevention, diagnosis or treatment of adverse reactions to cosmetics, which can be serious and are often distressing and painful to the individual affected.

The cost of amending the labels of cosmetic products will be outweighed by the benefit to consumers who have serious reactions to even small amounts of cosmetic ingredients. The costs to manufacturers will be minimized by deferred implementation of the regulatory amendments.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-27.

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HCan/95-17-N-L

### **Schedule B (to the Food and Drugs Act) Amendment - Addition of European Pharmacopoeia (EP)**

Schedule B to the Food and Drugs Act is a listing of official publications containing standards with which drugs must comply if a standard has not been prescribed for those drugs in the Food and Drug Regulations.

This amendment will provide for the addition of the European Pharmacopoeia to Schedule B of the Food and Drugs Act thus providing manufacturers with an additional reference standard.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a new initiative.

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HCan/95-18-R-L

### **Housekeeping Changes to Drug Regulations**

These amendments pertain to typographical, spelling, transiation, numbering and other inconsistencies in the regulations that require correction. These proposals correct previously considered amendments.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection



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HCan/95-19-N-I

### **Interim Marketing Authority**

The current Food and Drug Regulations specify a number of stringent controls on the sale of foods in Canada including ingredients which may be used in foods for which standards are prescribed; food additives which may be used in various foods; maximum limits for residues of agricultural chemicals and veterinary drugs; and vitamin, mineral nutrient or amino acids which may be added to certain foods.

As a general rule, all foods sold in Canada must be in compliance with the Food and Drugs Act and Regulations. Nevertheless, the Regulations specify conditions under which a Letter of Temporary Marketing Authority (TMA) may be issued which allows a manufacturer or distributor to sell a food not in compliance with the Regulations for a limited time "in order to generate information in support of an amendment to the Regulations."

This proposal for Interim Marketing Authority (IMA) will expand the TMA concept to allow the sale under specified conditions of products not in compliance with the current Regulations but which have been thoroughly evaluated and for which no health, safety or nutritional risks to the public have been identified. The IMA would thus bridge the time between completion of the scientific evaluation and the promulgation of the regulatory amendment required to permit the on-going legal sale of a food product.

The adoption of the IMA concept will benefit both consumers and industry by permitting the earlier marketing of foods using improved ingredients, production and processing techniques.

**Legal Authority:** Food and Drug Act, section 30

**Status:** This is a new initiative.

**Contact:** Director, Bureau of Food Regulation, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-20-O-I

### **Foods for Use in Weight Reduction Diets**

Proposals to amend Division 24 of the Food and Drug Regulations to include foods sold in weight loss clinics in the categories of foods that may be sold for use in

weight reduction diets and to amend the nutritional requirements for meal replacements in line with the 1990 Recommended Nutrient Intakes were published for comments as Information Letters No. 770 and No. 793. Proposed amendments to Division 24 have been developed in the light of the comments received.

The benefit of this change for consumers will be a wider choice of foods for weight reduction diets. Any cost to the industry in reformulating meal replacements will be minor.

The proposed amendments also make provision for a new category of foods, nutritional supplements. These nutritionally complete foods are intended as supplements for persons who may be consuming nutritionally inadequate diets for a number of reasons. This change will benefit consumers of all ages.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-45.

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HCan/95-21-N-I

### **Regulation of Novel Foods and Novel Food Processes**

Novel foods and foods produced by novel food processes are being introduced into the Canadian marketplace. These products and processes often do not fall within the existing regulatory framework of the Food and Drug Regulations, yet they may affect the safety of the food supply. New regulations that will permit the Health Protection Branch (HPB) to evaluate the safety of novel foods and foods from novel processes prior to their introduction into the marketplace are considered necessary.

The proposed regulations will define novel foods and will require that HPB be notified prior to the sale or advertising for sale of novel foods.

This amendment will ensure the safety of novel foods while providing industry with clear direction concerning the regulation of these products.

**Legal Authority:** Food and Drug Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537

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HCAn/95-22-O-1

## **Composition of and Standards for Cocoa Products**

The current Canadian regulations regarding cocoa products are viewed, by industry and government, as requiring revision to be consistent with current Canadian and international practices. Amendments to these standards will reflect Canada's commitment to adopt, to the degree possible, international standards developed by the Joint FAO/WHO Food Standards Programme (Codex Alimentarius Commission).

This amendment should improve Canadian competitiveness but will not change health and safety requirements.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-43.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537

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HCAn/95-23-O-1

## **Bottled Water**

From a regulatory and monitoring viewpoint, bottled water has, in the past, been treated no differently than any other food commodity. When the current standards for pre-packaged water and ice were developed in 1980 under Division 12 of the Food and Drug Regulations, bottled water was not considered to be a high consumption item. However, it is recognized that concerns relating to the environment and the quality of municipal water supplies have risen in recent years, and, consequently, more people may be turning to bottled water as a total replacement for tap water. In light of this higher consumption, the existing standards may no longer be appropriate.

The Health Protection Branch is presently re-examining the existing standards for pre-packaged water and ice and plans to make appropriate revisions as required. While the review involves all aspects of bottled water quality and safety, emphasis is being

placed on defining in more precise terms the different types of pre-packaged water currently on the market, revising the criteria for assessing the microbiological quality of the products and specifying limits for various chemical contaminants, both natural and man-made, as deemed necessary. Where appropriate, such limits will be harmonized with current guidelines for drinking water. A regulatory proposal has been prepared and consultations with industries affected completed.

Since the industry is self-regulating to a significant degree, the main impact is expected to be on manufacturers who do not voluntarily meet quality standards.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-31.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCAn/95-24-O-1

## **Food Allergens - Proposed Changes to Labelling Regulations to Minimize Adverse Reactions**

Allergic-type reactions to food can represent a serious health issue to those people who are susceptible to such reactions.

The Health Protection Branch, in conjunction with various private sector agencies such as the Allergy Information Association and the Canadian Restaurant and Foodservices Association has been involved in finding ways of minimizing the potential for the occurrence of such adverse reactions. The development of sound educational materials and better means of communicating information on potential allergens have been the focus of this effort to date.

A review of the existing regulations pertaining to the most common food allergens, including current labelling requirements, is considered to be the appropriate next step in this process. This review has been initiated and regulatory revisions pertaining to the labelling of peanut oil have been completed. The improved labelling of other food ingredients capable of causing adverse reactions is being investigated.

**Legal Authority:** Food and Drugs Act, section 30



**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-33.

**Contact:** Director, Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-25-O-I

### **Herbs and Botanical Preparations**

The Health Protection Branch is concerned that some herbs and botanical preparations with potentially harmful properties could be marketed to the public. Thus, improved control is considered necessary to ensure that consumers have an appropriate level of protection. The proposed amendment will expand the current list of potentially harmful herbs and botanical preparations not considered appropriate for use in foods.

The cost to industry is anticipated to be small, as the amendments being introduced relate only to the sector involved in the sale of herbs and botanicals as foods or in food products. The proposal was published in the *Canada Gazette*, Part I on December 19, 1992.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-41.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-26-O-I

### **Microbiological Standards for Cheese**

Proposals to amend Division 8 of the Food and Drug Regulations will require that all cheese, with the exception of hard cheeses, be made from pasteurized milk, cream or other dairy products. Hard cheeses will be required to be made from milk or other dairy products which have been heat treated and the requirement for storage will also be retained. Since the use of raw milk or raw dairy products would no longer be permitted in the manufacture of cheese under this proposal, deletion of the microbiological requirements for these products will also be proposed.

This amendment will increase assurance of the safety of cheese on the Canadian market. Initially, cheese plants whose procedures are not in compliance may

have increased costs to meet the regulatory requirements.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-42.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-27-O-I

### **Dioxins and Furans**

Dioxins and furans are classes of related organochlorine compounds which vary widely in toxicity. They are undesirable chemical substances that are unintentionally produced, for example, as a result of certain industrial processes.

Presently, under the Food and Drug Regulations, a food, other than fish, is considered to be adulterated if it contains any detectable amount of dioxins. There are no regulations applicable to furans.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-32.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-28-O-I

### **Good Manufacturing Practices Regulations For Foods**

The proposed GMP regulations outline the minimum health and safety standards for food marketed in Canada and apply equally to domestic and imported food products. The regulations promote the use of food safety principles that stress control of the manufacturing and distribution process rather than reliance on finished product specification and testing.

The proposal will result in the reduction of regulatory burden as the requirements to achieve compliance are clearly stated thus promoting self-regulation. The proposed regulations will also provide a common regulatory base for all food safety initiatives in the area of good manufacturing practice that can be expanded further in other federal or provincial



regulations. An additional benefit will be a safer food supply. In general, the proposed GMP requirements are such that firms operating in today's market environment would be expected to have these already in place.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-50.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-29-O-I

### **Initiatives Resulting from the Departmental Regulatory Review**

Health Canada has undergone a review of the Regulations under the Food and Drugs Act to ensure the effectiveness of the regulations in contributing to public health and safety and to examine ways in which the competitiveness of Canadian industry could be enhanced.

In addition to the specific initiatives included elsewhere in the 1995 Federal Regulatory Plan, amendments to the Food and Drug Regulations may be proposed to reflect the outcome of the Review in the following areas: administration, inspection and enforcement; chemical contaminants; food labelling, packaging, advertising and claims; compositional standards, food additives and nutrient addition; and microbiological standards.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-49.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-30-R-I

### **Routine Enabling Amendments under the Food and Drug Regulations - General - Agricultural Chemicals Residue Limits - Food Additives**

This proposal covers a range of routine submissions requesting amendments to the Food and Drug Regulations respecting: the maintenance or improvement of nutritional quality of foods; the microbiological and chemical safety of foods, including the establishment of safe maximum residue limits for agricultural chemicals in foods; and the establishment of maximum levels for food additives.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-31-R-M

### **Emergency Regulations**

In the event of a confirmed public health hazard in the food supply, emergency regulations may be required to protect the public.

The impact cannot be foreseen, but the public health benefits require the imposition of any costs associated with such emergency regulations.

**Legal Authority:** Section 30, Food and Drugs Act

**Status:** This is a recurring initiative.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-32-R-I

### **Regulation of Drug Residues in Foods**

This amendment adds drugs to Table III, Section B.15.003 of the Food and Drug Regulations and establishes maximum residue limits (MRLs) for these drugs.

This initiative establishes standards for drug residues in food which are in keeping with technological advances in the methods of detection. In addition, this

proposal allows enforcement action to be taken against persons who violate these limits.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-33-R-L

### **Housekeeping Amendments to Food Regulations**

Typographical, spelling, translation, numbering and other inconsistencies inadvertently introduced into the regulations will be corrected.

No impact is anticipated. Proposals will correct amendments previously considered to be consistent with the Regulatory Policy and the Citizens' Code of Regulatory Fairness.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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HCan/95-34-O-I

### **Amendments to Schedule I, Contraceptive Devices**

The proposed amendment is to make two modifications to Schedule I of the Medical Devices Regulations. The first modification will permit the advertising of specific contraceptive devices (female condoms) for reducing the risk of transmission of venereal diseases similar to what is presently permitted for condoms. The second modification will clarify that the bursting pressure and bursting volume requirements in Schedule I only apply to male condoms manufactured from latex.

This proposal provides more alternatives to the public for birth control methods that reduce the risk of venereal diseases. The proposal entails no significant cost to industry.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-59.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-35-O-I

### **Sale of a Device for Investigational Testing**

The proposed amendment to the Medical Devices Regulations will allow the sale of a device under prescribed conditions to qualified investigators for the purpose of conducting clinical investigations. There are currently limited provisions in Part V of the Regulations permitting clinical investigations.

The amendment will enable manufacturers to gather evidence of the safety and effectiveness of a device in Canada, under controlled clinical conditions. Manufacturers will, in turn, be able to market these devices in a shorter time, and consumers will benefit from the earlier availability of these devices. Furthermore, the amendment may provide a greater opportunity to Canadian investigators to conduct investigational testing in Canada. The manufacturer will encounter a minor paper burden preparing an application for authorization of the investigational testing and in preparing the written reports outlining the results of investigations.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-51.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-36-O-I

### **Labelling Requirements for Menstrual Tampons**

The proposed schedule to the Medical Devices Regulations establishes labelling requirements for menstrual tampons in an effort to reduce the potential for incorrect use resulting in serious adverse health effects for users. With the introduction of this schedule, menstrual tampons of specified absorbencies will be removed from the Table to Part V of the Regulations but will continue to be subject to

the safety and effectiveness requirements of the Food and Drugs Act and the Medical Devices Regulations. It is proposed that tampons with absorbency of 15 grams or greater will remain on the Table to Part V.

Reduced regulation will allow products to come to market sooner, benefitting both manufacturers and consumers.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-56.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-37-O-I

### **Child Resistant Lighters**

Current regulations on lighter safety will be amended by adding performance requirements and test methods to enhance the child-resistant characteristics of lighters. In addition, cautionary labelling will alert users to the need to keep these products out of the hands of young children.

The regulatory amendment is expected to save six lives each year. Consumers will pay about \$0.12 more for a child-resistant lighter. Nationally, this premium amounts to about \$6,000,000 based on a consumption level of about 50,000,000 lighters per year. This cost will be balanced by an equal value in the reduction of property losses and health care costs attributed to a lowering of the fire incident rate among young children.

**Legal Authority:** Hazardous Products Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-73.

**Contact:** Greg Whalen, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-8086; Fax: (819) 953-3857.

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HCan/95-38-O-I

### **Diagnostic X-Ray Equipment**

This proposed amendment to the Radiation Emitting Devices Regulations revokes the present standard for diagnostic X-ray equipment and replaces it with a new one which is compatible with U.S. and internationally

accepted standards and which reflects the current state of technology in equipment design.

The proposal will prevent equipment of an advanced design from being withheld from the Canadian marketplace or from having to undergo unnecessary modifications to comply with the present standard. By removing the need for certain modifications, the proposal should result in decreased costs for Canadian consumers and manufacturers of diagnostic X-ray equipment while safety and effectiveness are still maintained. Industry is not expected to object to this proposal as industry has assisted in the development of the proposal. No departmental costs beyond the Status quo are anticipated.

**Legal Authority:** Radiation Emitting Devices Act, section 13

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-64.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-39-N-M

### **Revenue Generation for the Medical Devices Program**

Health Protection Branch Information Letter (I.L.) No. 811 announced the Branch's intention to examine revenue generation within the medical devices program so that those who benefit directly from services, pay for those services. Revenue generated from services offered by the medical device program will offset diminishing government funding to support the program and will be used to ensure that the program continues to meet the needs of clients. Standards for services delivered by the program will be developed and included in all revenue generation proposals.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This is a new initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-40-O-I

## **Labelling Requirements for Contact Lenses**

The proposed schedule to the Medical Devices Regulations establishes labelling requirements for daily wear and prolonged-wear Contact lenses in an effort to reduce the potential for incorrect use resulting in serious adverse health effects for users. Contact lenses designed or represented for prolonged wear have been removed from the table to Part V of the Regulations but will continue to be subject to the safety and effectiveness requirements of the Food and Drugs Act and the Medical Devices Regulations.

Reduced regulation will allow products to come to market sooner, benefitting both manufacturers and consumers.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory plan as HC-55.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-41-O-I

## **Standard for Labelling of In-Vitro Diagnostic Test Devices**

This proposal will amend Schedule X of the Medical Devices Regulations and will establish additional labelling requirements for in-vitro diagnostic devices. The potential for incorrect use and misinterpretation of results should consequently be reduced. No substantial costs will be incurred by manufacturers implementing this proposal.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-52.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-42-O-I

## **Single Use Insulin Syringes**

This amendment to Schedule VI of the Medical Devices Regulations addresses the requirements for

zero dead-space volume fixed needle syringes, which are now readily available and used by most home users. Standards for the dead-space volume for syringes with interchangeable needles, which are used mainly in the hospital environment and which possess an inherently large dead-space volume, will not be significantly altered. For both types of syringes, the standard will provide test methods for smaller needles which have become popular in recent years. It will also provide new internationally accepted size designation in metric figures, a more clearly worded dosage accuracy requirement, and a more comprehensive leakage test.

The reduction of insulin waste as a result of the lower-dead space volume will bring lower costs and will grant health benefits to users of fixed-needle syringes. The amendments will also reduce the possibility of errors in dosage. Meanwhile, only minimal costs will be incurred by manufacturers of syringes, since most fixed-needle syringes already meet the zero dead-space volume requirement.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-53.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-43-O-I

## **Condoms**

Canada has two documents setting out mandatory requirements for condoms: Schedule I of the Medical Devices Regulations; and Health Protection Branch (HPB) Information Letter No. 745, "Lot Quality Requirements for Condoms." Canada's existing condom standard is not harmonized with current international standards.

In 1991, the Branch submitted a proposal to Canadian industry to adopt a standard closely harmonized with the international standard for condoms, International Standards Organization (ISO) 4074. Direct referencing of ISO 4074 is not possible because some test methods in the standard are ambiguous and therefore unacceptable in a regulation. Since no response was received from industry to the proposal, the existing Schedule I was not changed.

In June 1993, the European Community (EC) adopted a voluntary condom standard, Comité Européen de

Normalisation (CEN) 600, harmonized with ISO 4074, but setting out clear test methods. It is proposed that Canada reference CEN 600. This will remove non-tariff barriers to trade between the EC and Canada, and allow improvements to the Canadian standard with respect to labelling and strength requirements.

Referencing would be done by substituting the lot quality requirements of CEN 600 for the existing requirements in Schedule I and HPB Information Letter 745, "Lot Quality requirements for condoms."

Test data obtained by the Branch indicate that the lot quality requirements of CEN 600 would be comparable to those of the existing Schedule I in terms of the resultant quality level of condoms on the market.

This change will align Canada's requirements with those of the European Community. It will facilitate mutual recognition of certification programs for condoms in the future.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-61.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-44-N-I

### Analytical X-Ray Equipment

An amendment to the Radiation Emitting Devices Regulations will be proposed to reflect the lower dose limits recommended by the International Commission on Radiological Protection (ICRP) in 1990 and to enhance interpretation by both regulators and manufacturers.

Any cost impact to industry as a result of this amendment would be negligible. This amendment may result in minor design changes to some equipment. The cost to the manufacturer would, however, be commensurate with the changes required. In the long term, the simplification that would result from this amendment would be beneficial to regulator's and most manufacturers since it would indirectly reduce the costs associated with the respective compliance activities without compromising the safety standards warranted for such equipment.

**Legal Authority:** Radiation Emitting Devices Act section 13

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-45-O-I

### Standard for Laser Equipment

There are many applications of lasers in the medical, industrial and research fields. The proposed laser regulations establish standards of design, construction and function, as well as labelling requirements, for all laser equipment.

The proposal is intended to reduce health hazards such as skin burns, retinal burns, visual receptor damage and corneal burns associated with many types of laser equipment. Industry is not expected to object to this proposal as industry has assisted in the development of the negotiations. Furthermore, there is only a minimal cost impact on industry with respect to the labelling standards contained within this initiative.

**Legal Authority:** Radiation Emitting Devices Act, section 13

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-63.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-46-O-L

### Computed Tomography X-Ray Equipment

Computed tomography X-ray equipment, also known as CT scanners, is used in medical diagnosis. The proposed schedule establishes standards for design, construction and function, including labelling for all computed tomography X-ray equipment. Special emphasis is placed on the provision, by the manufacturer of information to be used by the radiologist in estimating patient radiation dose.

The proposal is intended to reduce health hazards by reducing unnecessary radiation doses and improving the diagnostic images produced. The proposal likely

entails minimal costs to the Department and industry, as they are already harmonized with existing US Food and Drug Administration and international standards.

**Legal Authority:** Radiation Emitting Devices Act, section 13

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-66.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-47-R-1

### **Annual Review of Fee Schedule, National Dosimetry Services**

The fee schedule for the National Dosimetry Services will be reviewed to ensure that the projected revenue will provide for full recovery of all costs of providing these services as directed by Treasury Board. Pending the outcome of this review, a revised fee schedule may be published in the *Canada Gazette*.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-48-N-L

### **Authority to Set Fee Schedule for National Dosimetry Services**

This amendment will permit the Minister of Health Canada to prescribe the fees charged for radiation dosimetry services provided by the Department. The fees are currently prescribed by the Governor-in-Council. Permitting the Minister to prescribe the fees will result in more timely and efficient revisions to the fee schedule.

**Legal Authority:** Financial Administration Act, section 19(1)(b)

**Status:** This is a new initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada,

Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-49-R-L

### **Housekeeping Amendments to the Hazardous Products Act and its Regulations**

This proposal is to make minor housekeeping amendments to the Hazardous Products Act and its Regulations.

**Legal Authority:** Hazardous Products Act, sections 5, 6, 15

**Status:** This is a recurring initiative.

**Contact:** Alan Cotterill, Acting Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

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HCan/95-50-R-L

### **Housekeeping Amendments to the Medical Devices Regulations**

This proposal is to make minor housekeeping amendments to the Medical Devices Regulations.

**Legal Authority:** Food and Drugs Act, section 30

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 957-2486.

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HCan/95-51-R-L

### **Housekeeping Amendments to the Radiation Emitting Devices Regulations**

This proposal is to make minor housekeeping amendments to the Radiation Emitting Devices Regulations.

**Legal Authority:** Radiation Emitting Devices Act, section 13

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-52-R-L

## **Housekeeping Amendments to the Tobacco Products Control Regulations**

This proposal is to make minor housekeeping amendments to the Tobacco Products Control Regulations.

**Legal Authority:** Tobacco Products Control Act, section 17

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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HCan/95-53-R-L

## **Housekeeping Amendments to the Tobacco Sales to Young Persons Regulations**

This proposal is to make minor housekeeping amendments to the Tobacco Sales to Young Persons Regulations.

**Legal Authority:** Tobacco Sales to Young Persons Act, section 10

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## **Medical Services Branch**

HCan/95-54-O-I

## **Food, Water and Sanitation Regulations for Common Carriers**

The Food, Water and Sanitation Regulations for Common Carriers combines the existing Potable Water Regulations with new sections which deal with the safe preparation of food served on board conveyances like aircraft and vessels, and with the maintenance of these facilities in a sanitary manner, including the disposal of wastes from these conveyances. Facilities serving the public on federal property are also included in this draft regulation.

Direct industry consultation has shown that the addition of the food and sanitation aspects will increase the effectiveness of our legislation. Canadian

industry is anxious to ensure that compliance with our legislation will mean that their products and services will meet the legislative requirements of the United States and other nations.

Without the new regulations, our officers cannot effectively protect the travelling public from non-compliant operators. We have also created a situation where good operators are forced to compete directly with operators who willingly or unwillingly choose to circumvent safe food handling practices.

Approximately 100 million meals are served to the travelling public in Canada each year. The potential for disease transmission from food and water is very real, as witness recent food borne outbreaks in both Canada and the U.S. Meals for common carriers are by necessity handled many times before they are consumed on board, and this handling, if not efficiently carried out, creates opportunities for bacterial and viral growth that multiply the risk over the consumption of meals in a restaurant setting.

The new regulations should not affect the cost of providing our inspection services, and in conjunction with a more collaborative approach with industry, should enhance the effectiveness of our regulatory program.

**Legal Authority:** Health and Welfare Act, section 4.2(d)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HC-76.

**Contact:** William Cocksedge, Senior Advisor, Occupational and Regulatory Health, Occupational and Environmental Health Directorate, Medical Services Branch, Health Canada, Ottawa, Ontario. Tel.: (613) 957-3427; Fax: (613) 954-0692.

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## **Future Initiatives**

### **Health Protection Branch**

#### **Diagnostic Kits for Blood Testing**

Currently, diagnostic kits used for blood testing are regulated under the Medical Device Regulations. Public concern about the safety of the blood supply has prompted a re-examination of the pre-market regulatory requirements for such products.

The Canadian Red Cross currently uses those diagnostic kits which meet the U.S. Food and Drug Administration requirements including lot-by-lot testing. Canadian manufacturers might be

disadvantaged as their kits are not lot-released in Canada.

The Drugs Directorate is examining alternatives to remedy this problem. The proposed action plan will be communicated to stakeholders in advance of publication in *Canada Gazette*, Part I.

**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Labelling Regulations for Kits

At present, there are no clear requirements for the labelling of "kits" containing drug products. Amendments to the Food and Drugs Regulations are proposed to clarify labelling requirements for "kits".

**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Parenteral Requirements

Current regulations do not require pharmaceutical manufacturers to inspect containers of parenteral drugs (those administered by injection) in order to ensure that the containers are free from visible contaminants and from pyrogens (fever-producing substances).

This amendment will require manufacturers to conduct inspections of a parenteral drug in its final container and to test for the presence of pyrogens. Individual containers which show evidence of contamination with visible foreign matter and lots not passing the pyrogen test will be rejected. This amendment is not expected to pose a major cost burden to the industry as the majority of drug manufacturers currently inspect the contents to meet compendia requirements. The benefit will be to the health of Canadians who will be assured that parenteral drugs are contaminant-free.

**Classification:** Low-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Manufacturers Standards

Current regulations require that solid oral dosage form products labelled to a manufacturer's standard meet official standards only with respect to purity and potency. International standards now require dissolution testing in addition to purity and potency measurements to demonstrate that the drug is available in the body when used by the patient.

These amendments to the Food and Drug Regulations will require dissolution testing for drugs in solid oral dosage forms.

This regulation should have minimal cost implications for manufacturers since most are already using dissolution tests in the context of good manufacturing practice and to assure lot-to-lot consistency.

**Classification:** Low-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Conjugated Estrogens

The current Canadian standard for conjugated estrogens is based on 1970 criteria. An interim standard developed and published in the United States will be considered in the development of a standard.

This amendment will provide manufacturers with a Canadian standard for conjugated estrogens that reflects current technology and practice. The cost to industry is unknown but the standard has been anticipated for several years.

**Classification:** Low-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Emergency Drug Release

The Emergency Drug Release (EDR) Program facilitates patient access to drugs not approved in Canada, based on individual requests from physicians.

This initiative is the outcome of a Renewal Project which is expected to modify Directorate involvement in the hands-on approval of the release of drugs which do not have a Notice of Compliance. It will require physicians to initialize requests for EDRs with

pharmaceutical companies and should simplify and hasten the process from the perspectives of all involved parties, while at the same time improving the quality of risk-benefit decisions at the consumer level.

**Classification:** Low-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Post Approval Regulations

Pharmaceutical manufacturers are required to report adverse drug reactions to the Health Protection Branch. However, these reports are only one element for a comprehensive assessment to determine the continued safety of drug products for Canadians.

This regulatory initiative will continue the process that started with the Drug Product Licensing Proposal in June 1991. Periodic drug safety updates and reassessment of drugs in the Canadian marketplace will be aspects of this regulatory initiative.

**Classification:** Low-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Blood Inquiry

Regulatory proposals to ensure increased safety of the blood supply may be developed as a result of recommendations as an outcome of the Blood Inquiry.

**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Artificial Insemination

This regulatory initiative will regulate the selling, use or processing of semen for the purpose of artificial insemination in Canada. The regulations will propose provisions for the recipient to receive information about the donor; the recipient's consent to the procedure; the standards for donor suitability; the criteria for the collection, utilization, quality, identification and processing of semen; the manufacturing responsibility; and the records.

Regulating the use and processing of human sperm will promote health and safety. These benefits far outweigh any costs associated with this regulatory initiative.

**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Drug Categorization

This proposal is a high priority future initiative which when finalized will provide the regulatory framework for the review of drug products based on risk assessment.

This will benefit the pharmaceutical industry by providing a more efficient drug evaluation process. The finalized proposal will be communicated to stakeholders for comment in advance of publication in *Canada Gazette*, Part I.

**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Drug Monograph for NDS /DIN'

This proposal is a result of a Drugs Directorate Renewal Project, the intent of which is to provide up to date standardized information in Drug Monographs. The final proposal will be communicated to stakeholders in advance of publication in *Canada Gazette*, Part I.

**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.  
Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Eggs and Tissue

The transfer and use of human tissues and organs is currently unregulated in Canada, although both the federal and provincial governments are concerned with the safety of tissues and organs intended for transplant.

Regulatory options are being investigated with respect to regulating human organs and tissues (including reproductive tissue: eggs, sperm, and zygotes).



**Classification:** Intermediate-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## **Controlled Drugs and Substances Regulations**

On the passage of the Controlled Drugs and Substances Act, regulations will be promulgated that will update current drug control legislation found in the Narcotic Control Regulations and Parts G and J of the Food and Drug Regulations. These regulations will be modernized and enhanced in keeping with principles of regulatory review by eliminating provisions that may no longer be justified, correcting identified problems, and allowing greater client flexibility in responding to basic regulatory requirements. The initiative will also introduce any new regulations called for by the Act.

There will be some additional cost implications to industry resulting from new requirements to comply with international conventions to which Canada is a signatory.

**Classification:** Low-cost initiative

**Contact:** Janice L. Pound, A/Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## **Restrictions on the Importation of Unapproved Veterinary Drugs for Use in Food Producing Animals**

At present, the Food and Drugs Act and Regulations allow the importation of veterinary pharmaceuticals that do not have Drug Identification Numbers (DIN), provided the drugs are not offered for sale or consideration of sale in Canada. This implies that drug substances (bulk or finished dosage forms) can be imported by everyone for personal use in food producing animals, regardless of whether the drug is approved or not in Canada. The only exception to this are veterinary drugs listed in Schedule F Part I which can be imported only by licensed health professionals (pharmacist, practitioner) or wholesalers/drug manufacturers.

This proposal of amendment should restrict the importation of veterinary pharmaceuticals for food producing animals to those drugs which have a valid Drug Identification Number (DIN) and allow the

development of tracking systems for the entry and monitoring of the sales of bulk drug substances in Canada.

These amendments will provide additional measures to reduce the risk of potentially harmful residues of veterinary pharmaceuticals in food, thereby improving the safety of the food supply in Canada.

**Classification:** Intermediate-cost initiative

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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## **Nutrition Labelling and Nutrient Content Claims**

Nutrition labelling and claims are an important public health tool in helping Canadians select a healthy diet and influencing manufacturers to make more nutritious foods. Claims for the nutritional characteristics of foods are controlled under the Food and Drug Regulations. Consultation with stakeholders suggested that Canada should harmonize criteria for some nutrient content claims with the United States (U.S.) definitions. In December 1993, a consultation document was distributed which set out in detail the U.S. labelling requirements for nutrient content claims along with the impact of their adoption. The U.S. criteria include compositional and labelling requirements which if adopted will result in the need for regulatory amendments to the Food and Drug Regulations.

This proposal to harmonize wherever possible will reduce consumer confusion resulting from U.S. media food advertising which differs from the information that is found on food in the Canadian marketplace. A benefit for the food industry will be a reduction in regulatory barriers to trade.

**Classification:** Intermediate-cost initiative

**Contact:** Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

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## **Bilingual Labelling of Medical Devices**

The Medical Devices Regulations currently require that the labelling of all medical devices must be in either English or French in addition to any other language. Effective November 1, 1993, the directions

for use for all devices that are available for sale at the self-service display had to be labelled in both official languages in addition to any other language. Incidents brought to the attention of the Health Protection Branch illustrate the possible need to require further bilingual labelling of medical devices. Potential hazards exist where the warnings, cautions, contra-indications and possible adverse effects associated with a device are printed in only one official language.

A proposal will be considered to require all medical devices to be labelled so that all warnings, cautions, contra-indications and possible adverse effects associated with the device are in both official languages in addition to any other language. This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Classification:** Intermediate-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 957-2486.

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## Revenue Generation for Schedule C Drugs

Revenue generation will be established for certain aspects of the drug program relating to Schedule C Drugs (radiopharmaceuticals, kits for the preparation of radiopharmaceuticals, radionuclide generators). A fee structure will be proposed for the review of new drug submissions, for inspection of manufacturers, and for the issuance and annual renewal of licences. The Financial Administration Act presently provides authority to set fees only for the review of submissions and related activities.

Revenue generation relating to the drug approval program appeared as a future initiative in the 1994 Regulatory Plan.

**Classification:** Intermediate-cost initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## Radiopharmaceuticals Regulations (Schedule C Drugs)

The proposal will amend the provisions of Division 3 of the Food and Drug Regulations respecting Radiopharmaceuticals (Schedule C Drugs). At present,

Schedule C Drugs are exempt from Division 2 Good Manufacturing Practices. This amendment will remove that exemption, making Schedule C drugs subject to most of the requirements of Division 2 of the Food and Drug Regulations.

The proposal will strengthen provisions concerning licensing of Schedule C Drugs, clarify the pertinent regulations, and provide industry with Good Manufacturing Practices regulations which were previously applied in spirit. Any additional costs to industry will be negligible.

**Classification:** Intermediate-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## Hospital Beds

Hospital beds and side rails are a continuing source of accidental deaths and injuries in the health care system. In spite of numerous articles in the literature alerting users to the dangers of this class of device, accidents continue to happen. There are presently no Federal government guidelines or regulations concerning hospital beds other than hospital cribs. A Departmental guideline addressing this issue is being written in cooperation with manufacturers, users, and government agencies. Should the guideline fail to reduce the number of accidents, the guideline's safety criteria will be adopted into the Medical Devices Regulations.

**Classification:** Intermediate-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## Hearing Aids

The department is monitoring the development of an American National Standards Institute (ANSI) standard which will address an issue of concern to the Department, namely the magnetic compatibility of hearing aids with telephones that presently produce a magnetic field appropriate for magnetic coupling with a hearing aid. In Canada, telephones must meet the Department of Communications' CS-03 Certification Standard for Telephones, and there is concern that some hearing aids sold in Canada are not magnetically



compatible with telephones. Once finalized, the Department will adopt or modify that part of the ANSI standard which addresses this issue. The standards will comprise a new Schedule to the Medical Devices Regulations. The initiative will require hearing aids to be labelled as to whether or not they are magnetically compatible with telephones. If they do claim to be compatible, they will need to satisfy standards that will be adopted or modified from the ANSI standard. The expected publication date of the ANSI standard is unknown at this time.

The hard-of-hearing consumer will benefit in that the magnetic compatibility of hearing aids (or absence of) will be apparent to them at the time of purchase. Manufacturers will incur minor costs complying with labelling requirements under this amendment.

**Classification:** Intermediate-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## **Risk-Based Classification Systems and the Medical Devices Regulations**

As part of the continuing review of the Canadian federal regulatory programs, the Medical Devices Review Committee (Hearn) was established in February 1991. The purpose of the Committee was to formulate recommendations concerning the regulation of medical devices and associated activities.

All recommendations in the Hearn report have been studied and the Department has produced a Development Plan for an Improved Medical Devices Regulatory Program. The plan is based on the principal that the safety and efficacy of medical devices can best be assessed through a balance of good manufacturing practices, pre-market scrutiny and post-market surveillance. One of the primary recommendations of the Committee was to develop a risk-based classification system for medical devices and an associated regulatory system, whereby the degree of scrutiny afforded a device is related to the risk it poses. The Risk-Based Classification System is being developed by the program with the assistance of an external Advisory Committee.

The Medical Devices Regulations will require major changes in order to implement a system based on risk. It is anticipated that the new regulations will be a balance of pre-market evaluation (for highest risk

devices), good manufacturing practices (quality systems) and post-market surveillance.

**Classification:** Major initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## **Revision of Charcoal Regulations**

The Hazardous Products (Charcoal) Regulations were promulgated in 1974 to protect consumers from death caused by carbon monoxide poisoning. This regulation was enacted because of deaths involving individuals using barbecues in enclosed areas or as space heaters rather than for cooking. Charcoal represents a potential hazard to the health and safety of the public since it produces significant amounts of carbon monoxide when it burns. This odourless and colourless gas interferes with the ability of the blood to transport oxygen to body cells and is highly toxic. The current labelling is intended to advise consumers that burning charcoal produces toxic fumes and that proper ventilation should be used.

The proposed changes will harmonize the Canadian labelling requirements with the proposed changes being drafted in the United States. The proposal includes stronger warnings to indicate that carbon monoxide is colourless and odourless and that charcoal should never be used in confined areas, and the possible use of a pictograph to reinforce the written warnings. The labelling requirements of this amendment is expected to result in increased costs for manufacturers.

**Classification:** Intermediate-cost initiative

**Contact:** Alan Cotterill, Acting Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage 1, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

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## **Revision of the Consumer Chemicals and Containers Regulations**

The Consumer Chemicals and Containers Regulations prescribe precautionary labelling and, in some instances, child-resistant containers for various chemical products used by the general public. The basic Regulations are more than twenty years old and are based on the knowledge of products that were on



the market when the Regulations were first drafted. Consequently, they do not address the hazards posed by some consumer products introduced since that time. A performance-based regulatory scheme is being developed to replace the current list-based system, to remedy the noted problems and to increase the flexibility and effectiveness of the Regulations. For example, any consumer chemical product that ignites and burns readily would be required to bear labelling to inform users of the fire hazard.

Alternatives under review include the Status quo and the use of voluntary safety standards. A preliminary economic impact assessment, carried out in 1990 and titled "Impact Assessment of Regulations Governing Hazardous Consumer Chemical Products" examined the economic and social costs and benefits of revising the Regulations in the fashion indicated and concluded that the review was justified in terms of potential benefits over costs.

The review is being conducted as a consensus process with the active participation and input of organizations and individuals representing all stakeholders, including industry, seniors and other consumers, the medical profession and public health organizations, technical experts, academia and various government departments.

**Classification:** Intermediate-cost initiative

**Contact:** Alan Cotterill, Acting Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

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## Submission of Dosimetry Data to the National Dose Registry (NDR)

The National Dose Registry (NDR) is a centralized, computer data bank of occupational exposures to ionizing radiation. Data for over 500,000 monitored individuals are retained for the purposes of epidemiological and health risk studies, analyses of dose trends for various occupational categories, to provide evidence of exposure for use in legal and compensatory cases, and for assisting the regulatory authorities in the management of radiation exposures in the workplace. The NDR is the principle means by which management of risk to the occupationally exposed worker can be effected. At present, data is submitted directly from the National Dosimetry Service (NDS) to the NDR. Data is also submitted by specific licensees of the Atomic Energy Control Board

(AECB) as explicit conditions of their operating licences.

As a result of the discussions concerning the privatization of the National Dosimetry Services, it is considered necessary to find a means of ensuring continued submission of dosimetry records to the NDR by private sector dosimetry firms. One possible method is the introduction of regulations at either or both of the federal and/or provincial levels. It is proposed to continue a review of the current legislation of this Department to determine if and under what authority such regulations are possible.

Should regulations requiring all dosimetry data generated by private sector firms doing occupational monitoring of workers exposed to ionizing radiation be prepared, they will be published in the *Canada Gazette* for public comment. This initiative is necessary so as to ensure that the National Dose Registry contains all data generated for Canadian workers and, therefore, continues as a viable and useful database for health risk studies and support for regulatory activities.

There will be some costs incurred by these organizations to establish the required communications links.

**Classification:** Intermediate-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

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## Drinking Water Safety Act

This legislation is to provide for the safety of drinking water in Canada by establishing national objectives for the quality of drinking water and by controlling devices and materials used in the treatment and distribution of drinking water.

Contamination of water supplies occurs in many places across Canada and is causing widespread public concern. Canadians will benefit from legislation and regulations that protect their health by ensuring the safety of their drinking water. They will also benefit from regulations that prohibit the sale of ineffective water treatment devices and that prohibit misleading claims and proper labelling.

**Classification:** Low-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health

Directorate, Health Protection Branch, Health Canada,  
Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372;  
Fax: (613) 941-6458.

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## WHMIS Controlled Products

The Controlled Products Regulations (CPR) came into effect on October 31, 1988 as part of the Workplace Hazardous Materials Information System (WHMIS). Amendments to the CPR will reflect elaborations of WHMIS which were developed between industry, labour and federal, provincial and territorial governments. These revisions will be identified during the regulatory process and are not anticipated to have a substantive socio-economic impact.

Regulatory requirements will also be developed to implement the recommendations of the Parliamentary Committee on the exclusions from the existing WHMIS requirements of the Hazardous Products Act (HPA). This will require provision of WHMIS-type information for most products presently excluded from the system by removal of the exclusion or establishment of similar requirements under legislation governing the excluded products. The Department will consult with stakeholders including representatives from industry, organized labour and provincial/territorial governments throughout the review process. The amendments related to the removal of the exclusions from the HPA are anticipated to have a substantive socio-economic impact.

**Classification:** Major initiative

**Contact:** Alan Cotterill, Acting Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

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## Cariages and Strollers

Despite the introduction of regulations in 1985, the number of injuries associated with carriages and strollers has remained significant. An amendment to the Carriages and Strollers Regulations is being proposed to improve the current regulations and to address changes in stroller design.

The impact on industry is minimal since adequate lead time has been provided and since regulations are being modified in harmony with similar changes to the U.S. standard for these products. The proposed regulations will have a negligible effect on the cost of new products. Infants and small children will benefit

from the increased safety of carriages and strollers. This initiative will also result in fewer injuries and a reduction in associated medical costs.

**Classification:** Intermediate-cost initiative

**Contact:** François Dignard, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2007; Fax: (819) 953-3857.

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## Revision of Liquid Coating Materials Regulations

The Hazardous Products (Liquid Coating Materials) Regulations were promulgated in 1976 to limit the lead content in paints and other similar liquid coating materials to protect consumers especially children.

The proposed changes will include a reduction in the permitted lead content and a restriction on the use of mercury compounds in paints.

The impact of these proposed changes is expected to be minimal as almost all of the Canadian paint manufacturing industry has already implemented the proposed changes. These proposed changes will ensure that recycled and imported paints are regulated in their lead and mercury content.

**Classification:** Intermediate-cost initiative

**Contact:** Alan Cotterill, Acting Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

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## Revision of Glazed Ceramics Regulations

The Hazardous Products (Glazed Ceramics) Regulations were promulgated in 1972 to protect consumers from excessive lead and cadmium released from glazed ceramic foodware.

The proposed changes will include a reduction in the maximum permitted releasable lead in various product categories and specified labelling requirements. These proposed changes are designed to harmonize Canadian and U.S. requirements.

The impact of the changes is expected to be minor as the large majority of the glazed ceramic foodware sold in Canada already complies with the proposed changes.

**Classification:** Intermediate-cost initiative

**Contact:** Alan Cotterill, Acting Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

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## **Standard for Diagnostic Ultrasound Devices**

A standard for diagnostic ultrasound devices will be proposed for inclusion in the Radiation Emitting Devices Regulations. The standard would include an upper limit on acoustical output to enable equipment operators to reduce the risk of fetal and neonatal damage during diagnostic ultrasound examinations.

The proposed standard is intended to be harmonized with U.S. Food and Drug Administration requirements. As a result, a negligible cost to industry to comply with the proposal is expected. This proposal appeared in the 1994 Regulatory Plan as a future initiative.

**Classification:** Intermediate-cost initiative

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

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## **Cribs and Cradles**

An amendment to the Cribs and Cradles Regulations is being proposed to address potential hazards associated with toeholds that enable a child to climb out of a crib and risk head trauma, the leading kind of injury associated with cribs. Other changes include elimination to the confusion concerning the requirements for portable cribs and greater harmonization of the regulations with requirements in the U.S. The amendment proposes to divide the requirements for cribs and cradles into two separate regulations for more ease of comprehension. The anticipated cost to industry is negligible.

**Classification:** Low-cost initiative

**Contact:** Georges Desbarats, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Place du Portage I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-0950; Fax: (819) 953-3857.



# Human Resources Development Canada

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**General Information**

**Roles and Responsibilities**

Human Resources Development Canada (HRDC) was created by the government organizational changes announced on November 4, 1993.

HRDC provides for an integrated approach to Canada's national investment in people by bringing programs supporting the income of Canadians together with human resource programs linked to the requirements of the national economy and labour market. The creation of HRDC is seen as a major step in building the mobile, educated and skilled work force needed to increase Canada's productivity and international competitiveness and the prosperity of its citizens.

HRDC comprises the following components of the founding departments:

- education support activity and elements of the social development activity from the former Department of the Secretary of State;
- the literacy program from the former Department of Multiculturalism and Citizenship;
- income security and cost-shared programs and elements of the social development activity from the former Health and Welfare Canada;
- the employment and insurance program from the former Employment and Immigration Canada;
- all programs and services of the former Department of Labour; and
- corporate services program elements of the founding departments.

The objectives of HRDC are:

- to develop, promote and implement social policies and programs that facilitate the development, participation and well-being of members of Canadian society;
- to promote and strengthen the income security of seniors, persons with disabilities, survivors, families with children and migrants;
- to promote economic growth and flexibility by providing temporary income support to unemployed workers who qualify for benefits under the Unemployment Insurance Act, without placing an unnecessary burden on individuals, groups or regions;
- to facilitate and sustain stable industrial relations and a safe, fair and equitable workplace; and
- to develop and support the use of Canada's human resources in order to promote economic growth and social well-being.

On January 31, 1994, the Minister of Human Resources Development, announced a process to reform Canada's social security system. The comprehensive process will involve individual Canadians, parliamentarians, provinces and territories, communities and organizations.

The Parliamentary Standing Committee on Human Resources Development has held public hearings on social security and job market concerns and has submitted an interim report.

The release of a discussion paper will give Canadians the information they need to reflect on the issues and discuss proposed solutions and options. The Parliamentary Standing Committee will then hold open hearings to allow individual Canadians as well as affected groups to discuss choices outlined in the paper.

Input from all groups and individuals will be compiled and analyzed. Results will be discussed with provinces and territories so that legislation can be introduced to build the social security system that Canadians want. It is possible that some regulatory changes may be required during the 1995 calendar year.

**Legislative Mandate**

The statutes under the jurisdiction of the Minister responsible for Human Resources Development Canada are the following:

- Canada Assistance Plan
- Canada Labour Code

- Canada Pension Plan
- Canada Student Loans Act
- Canadian Centre for Occupational Health and Safety Act
- Children Special Allowances Act
- Department of Labour Act
- Employment and Immigration Department and Commission Act
- Employment Equity Act
- Fair Wages and Hours of Labour Act
- Family Orders and Agreements Enforcement Assistance Act
- Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act
- Government Annuities Act
- Government Annuities Improvement Act
- Government Employees Compensation Act
- Hudson Bay Mining and Smelting Co. Limited
- Income Tax Act, S. 122.62
- Labour Adjustment Benefits Act
- Merchant Seamen Compensation Act
- National Training Act
- Non-smokers' Health Act
- Old Age Security Act
- Status of the Artist Act
- Unemployment Assistance Act
- Unemployment Insurance Act
- Vocational Rehabilitation of Disabled Persons Act
- Wages Liability Act

## Initiatives for 1995

HRDC/95-1-O-1

### Status of the Artist Professional Category Regulations

The Minister of Human Resources Development, after consultation with the Minister of Canadian Heritage, has responsibility for recommending regulations relative to certain aspects of the Status of the Artist Act, the determination of professional categories contributing to the creation of productions; the availability of arbitral determinations; and the remuneration to be paid to persons not employed in the Public Service who perform functions under Part II of the Act.

The two latter regulations will deal with routine administrative matters and will have only minor cost implications. The Regulations defining the professional categories that contribute to artistic productions should interest persons who function as independent contractors in the artistic community.

The effect of these regulations will be to extend the benefits of the Status of the Artist Act to persons practising within those professional categories in the federal jurisdiction.

**Legal Authority:** Status of the Artist Act, Part II

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-1.

**Contact:** Debra Robinson, Director, Legislative Development and Operational Research, Federal Mediation and Conciliation Service, Human Resources Development Canada, Place du Portage, Phase II, 11th Floor, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J2. Tel.: (819) 994-3899; Fax: (819) 953-3162.

HRDC/95-2-O-1

### Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part II (Building Safety)

This regulatory initiative is intended to address occupational safety and health concerns related to working conditions in permanent structures (buildings, grain handling facilities, communications towers). As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives reviewed the Regulations related to building safety. Proposed amendments will update the Regulations in accordance with current technology. Some requirements respecting grain elevators and communications towers will be added, to address the special requirements in these structures. In addition, there will be new requirements regarding the operation, inspection, testing, cleaning and maintenance of heating, ventilating and air conditioning systems in buildings.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-2.

**Contact:** Phyllis O'Brien, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 997-2405; Fax: (819) 997-1664.



HRDC/95-3-O-1

### **Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part X (Hazardous Substances)**

This regulatory initiative is intended to address occupational safety and health concerns surrounding the use of hazardous substances in the workplace. As part of the department's client consultation process, a working group comprised of management, organized labour and the department's representatives reviewed the Regulations related to hazardous substances. Proposed amendments clarify and update the Regulations, bringing them in line with current knowledge, technology and standards.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-3.

**Contact:** Horace Brennan, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0232; Fax: (819) 997-1664.

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HRDC/95-4-O-1

### **Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part XIV (Materials Handling)**

This regulatory initiative addresses occupational safety and health concerns related to the handling of materials in the workplace, either manually or by materials-handling equipment. As part of the department's client consultation process, a working group comprised of management, organized labour and the department's representatives reviewed the Regulations respecting materials handling. Proposed amendments clarify and update the regulations to reflect current technology and updated industry standards.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-4.

**Contact:** Horace Brennan, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0232; Fax: (819) 997-1664.

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HRDC/95-5-O-1

### **Canada Occupational Safety and Health (OSH) Regulations, Amendments to - Disabilities Project**

This regulatory review is intended to identify and remove barriers to persons with disabilities, which may exist in the current regulations. A working group established by the Labour Program, consisting of representatives of persons with disabilities along with employer and employee representatives of federally regulated workplaces, has completed its review and recommended revisions to the Regulations.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-5.

**Contact:** Claude Duguay, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0244; Fax: (819) 997-1664.

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HRDC/95-6-O-1

### **Oil and Gas Occupational Safety and Health (OSH) Regulations - Amendments**

Comprehensive amendments to these regulations are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on, or in connection with, exploration or drilling for, or the production, conservation, processing or transportation of, oil or gas in Canada Lands, as defined in the Canada Oil and Gas Act.

This initiative has been undertaken jointly by the National Energy Board (formerly Canada Oil and Gas Lands Administration) and this department.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-6.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0229; Fax: (819) 997-1664.

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HRDC/95-7-O-L

### **Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part XI (Confined Spaces)**

Amendments are required as a result of the review of the existing regulations by the Standing Joint Committee on Scrutiny of Regulations, and to correct a number of inconsistencies between the French and English versions.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-7.

**Contact:** Phyllis O'Brien, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 997-2405; Fax: (819) 997-1664.

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HRDC/95-8-O-I

### **Canada Occupational Safety and Health (OSH) Regulations - Diving Safety**

This regulatory initiative is intended to regulate commercial and scientific diving operations in the federal jurisdiction, and is required to protect the safety and health of divers, due to the hazardous nature of diving operations.

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives was formed to review existing diving regulations in other jurisdictions, and to determine the best course of action for this initiative.

The working group phase of the initiative has been completed. The department is preparing a Regulatory Impact Analysis Statement.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-8.

**Contact:** Diane Rguem, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0230; Fax: (819) 997-1664.

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HRDC/95-9-O-I

### **Coal Mining Occupational Safety and Health Regulations (Cape Breton Development Corporation) - Amendments**

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives is reviewing the coal mining regulations during meetings in Sydney, Nova Scotia.

The working group completed its clause-by-clause review of the regulations in mid-1994. Outstanding issues are being addressed and a Regulatory Impact Analysis Statement is being prepared.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-9.

**Contact:** Doug Malanka, Program Consultant, Occupational Safety and Health, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0233; Fax: (819) 997-1664.

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HRDC/95-10-N-I

### **Aviation Occupational Safety and Health (OSH) Regulations - Revisions**

Comprehensive amendments to these regulations are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on aircraft in operation.

This initiative has been undertaken jointly by Transport Canada and this department.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1), and paragraph 157(3)(a)

**Status:** This is a new initiative.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0229; Fax: (819) 997-1664.

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HRDC/95-11-N-

## **On-Board Trains Occupational Safety and Health (OSH) Regulations - Revisions**

Comprehensive amendments to these regulations are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on board trains in operation.

This initiative has been undertaken jointly by Transport Canada and this department.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1), and paragraph 157(3)(a)

**Status:** This is a new initiative.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0229; Fax: (819) 997-1664.

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HRDC/95-12-N-L

## **Safety and Health Committees and Representatives Regulations**

Housekeeping amendments are required to correct inconsistencies resulting from statutory revision and renumbering of Part II of the Canada Labour Code.

**Legal Authority:** Canada Labour Code, subsections 135(11) and 136(7)

**Status:** This is a new initiative.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0229; Fax: (819) 997-1664.

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HRDC/95-13-N-L

## **Coal Mining Safety Commission Regulations**

Some minor administrative amendments, such as revising the lengths of the terms of office of members, are required to improve the operation of the Commission.

**Legal Authority:** Canada Labour Code, subsections 137.1(3) and 157(1) and 157(1.1)

**Status:** This is a new initiative.

**Contact:** Doug Malanka, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0233; Fax: (819) 997-1664.

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HRDC/95-14-N-L

## **Canada Labour Standards Regulations - Revisions**

Part III of the Canada Labour Code provides minimum labour standards for federally regulated undertakings. The standards include hours of work, minimum wages, vacation and general holidays, bereavement and sick leave, work-related illness and injury, maternity-related reassignment, maternity and parental leave, termination and severance pay, unjust dismissal, and recovery of wages. The significant regulatory requirements associated with Part III are contained in the Canada Labour Standards Regulations.

Regulatory revisions will be developed by labour, management and departmental representatives on the Labour Standards Client Consultation Committee (LSCCC). The following items will be considered:

**Provisions consequential to legislative proposals to be developed by the LSCCC**

Possible items: include an update of current legislative provisions concerning group and individual termination of employment, severance pay and unjust dismissal. The Committee may also consider the recommendations of the Advisory Groups on Hours of Work and Distribution of Working Time, and the Social Policy Review.

**Provisions consequential to current legislative provisions**

The Code allows the employer to make deductions from wages in a limited number of circumstances and gives regulatory authority to prescribe additional deductions and the manner in which the permitted deductions can be made.

**Update of current regulatory provisions**

Section 20 of the Canada Labour Standards Regulations provides for the calculation and determination of the hourly rate of wages. The method set out is complex, and it is time consuming for the client and the department. The LSCCC will consider clarifying the language and review other matters of concern.



**Legal Authority:** Canada Labour Code, section 264, subsection 257(3) and paragraph 264(e)

**Status:** Parts of this initiative appeared in the 1994 Regulatory Plan as HRD-13.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0193; Fax: (819) 997-1664.

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HRDC/95-15-O-L

### **Federal Minimum Wage - Revision**

The federal minimum wage, currently set at \$4.00 per hour, was last revised in 1986. It is established by order-in-council and the Canada Labour Standards Regulations.

All provincial and territorial labour jurisdictions have promulgated minimum wage rates that exceed the federal rate, and HRDC plans to review the federal rate to bring it in line with other Canadian minimum wage standards. No cost impacts are anticipated, since there are few minimum wage earners in the federal jurisdiction, and most are paid, in practice, at the provincial or territorial rate.

Any revision of the federal minimum wage will be undertaken in consultation with the Labour Standards Client Consultation Committee.

**Legal Authority:** Canada Labour Code, subsection 178(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-14.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 997-1645; Fax: (819) 997-1664.

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HRDC/95-16-O-L

### **Commission Salespersons Hours of Work Regulations**

Part III of the Canada Labour Code provides minimum standards which include hours of work. Regulations exempting any class of employees from the application of the hours of work provisions may be made by order-in-council. Human Resources Development Canada is considering making new regulations exempting certain classes of salespersons from the application of one or more sections of the

hours of work provisions that cannot be reasonably applied to these employees.

The department will consult with labour, management and departmental representatives on the Labour Standards Client Consultation Committee.

**Legal Authority:** Canada Labour Code, section 175

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-16.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 997-1645; Fax: (819) 997-1664.

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HRDC/95-17-R-M

### **National Training Regulations - Rate of Training Allowances**

Sections 5.1, 6, 8.1 and 9.1 of the National Training Regulations prescribe the rate of training allowances and supplementary allowances that may be payable to an adult who is being trained on a course. The Canada Employment and Immigration Commission has directed that current rates be reviewed annually in relation to other income support measures and revised as required to ensure that allowance levels remain adequate. This regulatory initiative is being analyzed together with the Developmental Assistance Regulations - Supplementary Training Allowances initiative.

If the annual review reveals that training allowances and supplementary allowances need to be modified, there could be a major economic impact.

**Legal Authority:** National Training Act, section 11

**Status:** This is a recurring initiative.

**Contact:** Richard W. Courville, Chief, Program Development, Employment Policies and Operations, Human Resources Development Canada, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-1810; Fax: (819) 994-2314.

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HRDC/95-18-R-M

### **Developmental Assistance - Supplementary Training Allowances**

Subsections 108 to 111 of the Unemployment Insurance Regulations prescribe the supplementary training allowances that may be payable to a claimant

who is being trained on a course. The Canada Employment and Immigration Commission has directed that current rates be reviewed annually in relation to other income support measures and revised as required to ensure that allowance levels remain adequate. This regulatory initiative is being analyzed together with the National Training Regulations - Rate of Training Allowances.

If the annual review reveals that the rate of benefits and supplementary training allowances needs to be modified, there could be a major economic impact.

**Legal Authority:** Unemployment Insurance (U.I.) Act, sections 26 and 26.1(a) and (b)

**Status:** This is a recurring initiative.

**Contact:** Richard W. Courville, Chief, Program Development, Employment Policies and Operations, Human Resources Development Canada, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 953-1810; Fax: (819) 994-2314.

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HRDC/95-19-N-1

### **National Employment Service Regulations - Introduction of Fees for Services**

It is proposed to amend section 2 of the National Employment Service Regulations to allow fees for services to be charged to an employer who requests that an application for a foreign worker be processed.

**Legal Authority:** Unemployment Insurance (U.I.) Act, sections 121 and 113

**Status:** This is a new initiative.

**Contact:** Gus Borovilos, Adjustment Services, Labour Market Services, Human Resources Development Canada, Place du Portage, Phase IV, 5th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 994-3817; Fax: (819) 953-7599.

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HRDC/95-20-R-L

### **Unemployment Insurance Regulations - Minor, Technical or Housekeeping Amendments**

Periodically, the need to make minor, technical or housekeeping amendments arises. In view of the nature of the potential amendments, any impact will be minimal.

**Legal Authority:** Unemployment Insurance Act, various sections

**Status:** This is a recurring initiative.

**Contact:** Guy Grenon, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 997-8625; Fax: (819) 953-9381.

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HRDC/95-21-O-L

### **Unemployment Insurance Regulations - Redefinition of a Working Day**

Section 14 of the Unemployment Insurance Act requires a claimant to be available for work for any "working day." This term is defined in section 45 as being any day of the week except Saturday and Sunday.

The proposed amendment to the definition of "working day" will take into consideration the fact that Saturdays and Sundays have become working days for a significant part of the labour force, and will take into account legislated or religious holidays falling on days other than Saturdays and Sundays.

This amendment should be well received on balance. There should be no additional cost.

**Legal Authority:** Unemployment Insurance Act, paragraph 44(b)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-27.

**Contact:** Doris Beaman, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 997-8626; Fax: (819) 953-9381.

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HRDC/95-22-O-L

### **Unemployment Insurance Regulations - Revision of Earnings Definition and Allocation Provisions**

The justice section of the Privy Council Office has initiated a project to revamp sections 57 and 58 of the UI Regulations, which define and allocate the earnings to be considered for benefit purposes. The rewrite is needed to streamline the various provisions of sections 57 and 58 to make them clear and consequently easier to understand and apply. Human Resources Development Canada is co-operating with the Privy Council Office in this initiative.

This rewrite will in no way change the legislative policy and intent and, therefore, will not have any

financial impact. Since streamlining and clarity are the objects of the exercise, this rewrite will improve administration.

**Legal Authority:** Unemployment Insurance Act, paragraph 44(q)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-28.

**Contact:** Guy Grenon, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 997-8625; Fax: (819) 953-9381.

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HRDC/95-23-O-L

### **Unemployment Insurance Regulations - Insurability of Taxi Drivers**

Revenue Canada and taxi drivers have made representations to have paragraph 12(e) of the UI Regulations amended. It is proposed to insert the word "sole" before the words "owner of the vehicle" so that the only persons who are excluded from coverage are those persons who own a taxi by themselves. Some taxi brokers have been forcing drivers to buy a share of the cab, such as a 1/12th share, so that they would be excluded from coverage by the working of regulation 12(e). The amendment will prevent such circumvention of the regulation.

Since the practice is relatively new and not widespread, there will be extremely minimal additional cost and the amendment should be well received.

**Legal Authority:** Unemployment Insurance Act, paragraph 4(c)

**Status:** This initiative appeared in the 1994 Plan as HRD-30.

**Contact:** Glenn Ramsay, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 994-6044; Fax: (819) 953-9381.

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HRDC/95-24-O-L

### **Unemployment Insurance Regulations - Allocation of earnings for real estate salespersons**

The current method of deducting the earnings of real estate agents claiming UI benefits is to deduct them from the benefits for the week in which the deal is

actually finalized. Recent case law raises the possibility of deducting the earnings retroactively at the time the services are performed, which would result in a UI benefit overpayment. The proposed amendment would ensure that the current method is preserved.

There will be no additional cost and the amendment should be well received.

**Legal Authority:** Unemployment Insurance Act, paragraph 44(q)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-31.

**Contact:** Glenn Ramsay, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel.: (819) 994-6044; Fax: (819) 953-9381.

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HRDC/95-25-N-I

### **Unemployment Insurance Regulations - Electronic Transmission of Assignment of Benefits (AOB) Requests - Pilot Project**

An automated information exchange process that gives social service case workers limited access to the Unemployment Insurance Ontario Regional Computer Centre mainframe computer was implemented in April 1994. The intent is to expand this project to allow case workers to transmit electronically the assignment of benefits requests for reimbursement.

When the request is sent electronically, the client's signature will be on the original form in the social services office but not on the data input screen. Agreements will be made with social services to ensure that the client signs the form.

A regulatory change is proposed to establish a pilot project to test this initiative.

**Legal Authority:** Unemployment Insurance Act, section 75.2

**Status:** This is a new initiative.

**Contact:** John Carter, Insurance Specialist, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9. Tel.: (819) 994-2688; Fax: (819) 997-8640.

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HRDC/95-26-N-I

### **Unemployment Insurance Regulations - Direct Deposit - Pilot Project**

A regulatory change is proposed to establish a pilot project to test direct deposit of Unemployment Insurance benefits as an alternative to the issuance of cheques (warrants).

**Legal Authority:** Unemployment Insurance Act, section 75.2

**Status:** This is a new initiative.

**Contact:** Erik Bruton, Insurance Specialist, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9. Tel.: (819) 997-8641; Fax: (819) 997-8640.

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HRDC/95-27-O-I

### **Unemployment Insurance Regulations - Employment History Reporting System**

A change to section 35 of the Regulations is proposed to permit electronic transfer of employment history data as an alternative to physical transfer of the paper record of employment form. The reporting of some new information may also be requested.

**Legal Authority:** Unemployment Insurance Act, paragraph 44(o)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Grant Leslie, Director, Employment History Report System (EHRS) Task Force, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, T-8 Trebla Building, Ottawa, Ontario, K1A 0J9. Tel.: (613) 941-8255; Fax: (613) 947-3547.

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HRDC/95-28-R-M

### **Unemployment Insurance Regulations - Unemployment Insurance (UI) Economic Regions**

As stated in subsection 61(2) of the UI Regulations, the configuration of UI Economic Regions must be reviewed every five years. Entitlement to UI benefits in terms of entrance and duration is directly tied to the economic region in which an individual lives. The next review is to be completed in 1995.

The current configuration has been in place since 1990 and includes 26 urban regions, based on the

boundaries of Statistics Canada's 1986 Census Metropolitan Areas, and 36 rural regions. Human Resources Development Canada is considering amendments which will better define local labour markets in Canada and ensure fairer access to UI benefits.

Departmental officials from each region will be fully consulted on proposed changes and methodology.

**Legal Authority:** Unemployment Insurance Act, paragraph 44(t)

**Status:** This is a recurring initiative.

**Contact:** Norine Smith, Director General, Labour Market and Education Policy, Strategic Policy, Human Resources Development Canada, Place du Portage, Phase IV, 8th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9. Tel.: (819) 994-4989; Fax: (819) 953-0519.

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HRDC/95-29-N-M

### **Social Insurance Number (SIN) Card Fees**

It is proposed to establish a \$10 fee for the issuance of an initial Social Insurance Number (SIN) card and to increase the current fee for a replacement SIN card from \$10 to \$15. Based on recent volumes, it is estimated that this initiative will produce \$8 million from initial SIN cards and \$1 million from replacement cards for a total of \$9 million in revenue.

**Legal Authority:** Financial Administration Act, paragraph 19(1)(b)

**Status:** This is a new initiative.

**Contact:** Rick Bachand, Specialist, Insurance Program Services, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-1950; Fax: (819) 957-8640.

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HRDC/95-30-O-L

### **Agreements with Provinces for Exchange of Information**

The Old Age Security Regulations concerning the communication of information to provincial governments will be amended in order to make them consistent with the same regulations under the Canada Pension Plan. Since the legislation governing both the Old Age Security program and the Canada Pension Plan fall under the purview of the same branch, the administration is trying to word legislation provisions that have the same scope in the

same fashion. The amendment will allow for the release of information to provincial governments in order to determine the eligibility of a person, to calculate the entitlement amount and to deliver the benefit payable to that person under a social program, income assistance program or health insurance program in the province.

The release of information to a government of a province may facilitate the payment of provincial benefits, or improve or speed up access to the services they offer. It may also help the provinces ensure that only eligible individuals receive benefits. This amendment is administrative in nature and does not incur costs.

**Legal Authority:** Old Age Security Act, section 33(3.1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-32.

**Contact:** Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel.: (613) 957-1618; Fax: (613) 991-9119.

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HRDC/95-31-O-L

### **Removal of Schedule IX of International Agreements**

Schedule IX to the Canada Pension Plan Regulations is being revoked. Consequently, regulation 34.1 will be amended to remove reference to the words "Schedule IX." The Schedule lists those countries with which Canada has entered into an international social security agreement and the date benefits first became payable under each agreement. The original purpose of the Schedule was to keep the public informed of the introduction of such international agreements. However, as the information is generally not up-to-date, other communication vehicles are being used to meet this objective more effectively.

**Legal Authority:** Canada Pension Plan

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-33.

**Contact:** Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel.: (613) 957-1618; Fax: (613) 991-9119.

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HRDC/95-32-O-L

### **Removal of Schedule of International Agreements**

The schedule to the Old Age Security Regulations is being revoked. Consequently, regulations 21 and 22 will be amended to remove reference to the word "schedule." The schedule lists those countries with which Canada has entered into an international social security agreement and the date benefits first became payable under each agreement. The original purpose of the schedule was to keep the public informed of the introduction of such international agreements. However, as the information is generally not up-to-date, other communication vehicles are being used to meet this objective more effectively.

**Legal Authority:** Old Age Security Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-34.

**Contact:** Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel.: (613) 957-1618; Fax: (613) 991-9119.

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HRDC/95-33-O-M

### **Rules concerning years of residence in Canada**

The amendments will make possible a more equitable determination of the number of years of residence in Canada for Old Age Security benefits in situations where individuals resident in Canada have periods of absence from Canada.

**Legal Authority:** Old Age Security Act, sections 4, 19 and 21

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-35.

**Contact:** Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel.: (613) 957-1618; Fax: (613) 991-9119.

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HRDC/95-34-O-L

### **Ministerial Delegation of Powers**

In 1992, changes were made to the Interpretation Act that amend provisions dealing with ministerial

delegation. Relevant regulations are being amended to replace the titles of departmental officials who have been delegated ministerial authority with the term "Minister."

**Legal Authority:** Old Age Security Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-36.

**Contact:** Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1618; Fax: (613) 991-9119.

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HRDC/95-35-O-I

### **Changes in the Canada Student Loans Program**

The Canada Student Loans Program is being comprehensively examined with a view to improving access to and results obtained in post-secondary learning. Changes may include amendments to the Canada Student Loans regulations as well as the introduction of new regulations to give effect to the Canada Student Financial Assistance Act, which received Royal Assent on June 23, 1994. Other measures to reduce costs and establish new working arrangements, to enhance assistance to needy students, to improve the assessment of financial need, to place greater emphasis on educational results, to prevent defaults from occurring and to ensure harmony in program delivery are being considered. Minor, technical or housekeeping amendments may also be required to ensure consistency between the Canada Student Loans Regulations and the new regulations.

**Legal Authority:** Canada Student Financial Assistance Act; Canada Student Loans Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as HRD-37.

**Contact:** Corinne Prince-St-Amand, Senior Analyst, Legislation and Regulatory Projects, Student Assistance Branch, Human Resources Development Canada, 15 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 997-1347; Fax: (819) 953-6057.

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## **Future Initiatives**

### **Occupational Safety and Health - Review of Part II of the Canada Labour Code**

The last comprehensive revision of Part II of the Canada Labour Code occurred in the 1980s. Changes are required to respond to the competitiveness and harmonization initiatives of the government, to respond to client concerns, and to improve administrative efficiency. In 1993, the department received input from federally regulated employers, employee representatives, and government departments and agencies responsible for administering Part II. A tripartite Legislative Review Committee, consisting of federally regulated employers, employees (union) and government, was established to review the proposals and make recommendations to the Minister. The Committee met in February 1994 and formed a tripartite Legislative Review Subcommittee to review all proposals in detail and, through consensus, make recommendations on change to the Legislative Review Committee and subsequently to the Minister. Consultations are expected to continue until mid-1995. While it is too early to forecast what impact the Part II changes could have on the Canada Occupational Safety and Health Regulations and the Safety and Health Committees and Representatives Regulations made under the authority of Part II, it is anticipated that there could be some impact. Any regulatory changes required will be identified in a future Federal Regulatory Plan.

**Classification:** Intermediate-cost initiative

**Contact:** Doug Malanka, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0233; Fax: (819) 997-1664.

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### **Fair Wages Policy Order and Fair Wages and Hours of Labour Regulations**

The Government of Canada adopted the first Fair Wages Policy Order in 1900 to prevent bidders for government contracts from competing on the basis of labour costs by paying wages below a reasonable standard. The Fair Wages Policy Order established a number of administrative procedures, which included the investigation of complaints against contractors for failing to meet the requirements of the Fair Wages Policy.



The Fair Wages and Hours of Labour Act, amended in 1967, defines "fair wages," establishes "hours of work" and generally governs the application of both to "every contract made with the Government of Canada for construction, remodelling, repair or demolition of any work." In 1954, the Fair Wages and Hours of Labour Regulations were promulgated.

Human Resources Development Canada is considering a consolidation of the Fair Wages Policy Order and the Fair Wages and Hours of Labour Regulations. This consolidation will include streamlining the administrative process; eliminating potential inconsistencies with the Charter of Rights and Freedoms; and eliminating conflicts with provincial standards. The consolidation will also clarify the language and terminology. This initiative appeared in the 1994 Plan as HRD-17.

The department will consult with labour, the Treasury Board Advisory Committee on Contracts and employer organizations.

**Classification:** Low-cost initiative

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0193; Fax: (819) 997-1664.

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### **Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part V (Boilers and Pressure Vessels)**

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives is reviewing Part V (Boilers and Pressure Vessels) of the Canada Occupational Safety and Health Regulations.

The working group's review is expected to last through the end of 1995.

**Legal Authority:** Canada Labour Code, sections 125 and 126, and subsection 157(1) and 157(1.1)

**Classification:** Intermediate-cost initiative

**Contact:** Stephen Mitrow, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0240; Fax: (819) 997-1664.

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### **Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part XVI (First Aid)**

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives is reviewing Part XVI (First Aid) of the Canada Occupational Safety and Health Regulations.

The working group's review is expected to last through the end of 1995.

**Classification:** Intermediate-cost initiative

**Contact:** Claude Duguay, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel.: (819) 953-0244; Fax: (819) 997-1664.

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### **Unemployment Insurance Developmental Uses - Re-employment Incentives**

The department initiated research projects in 1994 to test the use of financial incentives to encourage the early return to work of Unemployment Insurance recipients. A re-employment incentive in the form of a temporary earnings supplement is being tested in 1994 and 1995 with two groups of workers: those employed predominantly in seasonal industries, and those displaced from long-term stable employment. The results of these tests may demonstrate that such incentives are a cost-effective way to shorten the duration of unemployment and reduce expenditures from the Unemployment Insurance Fund.

Depending on the evaluation findings from these initial projects, regulations may be developed, possibly in 1996, to implement incentives on a more general basis. The use of such incentives is permitted under the authority of section 26.1(1)(e) of the Unemployment Insurance Act.

**Legal Authority:** Unemployment Insurance Act, section 26.1(e)

**Classification:** Low-cost initiative

**Contact:** John Greenwood, Director, Innovations, Applied Research Branch, Human Resources Development Canada, Place du Portage, Phase IV, 4th Floor, Hull, Quebec, K1A 0J9. Tel.: (819) 994-4238; Fax: (819) 953-8584.

# *Indian and Northern Affairs Canada*

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## **General Information**

### **Roles and Responsibilities**

Indian and Northern Affairs Canada (INAC) was established in 1966 by the Department of Indian Affairs and Northern Development Act, which gives the Minister responsibility for Indian, Inuit and northern affairs, including provincial-type responsibilities for the people and natural resources associated with Indian reserves, the Yukon Territory and the Northwest Territories, as well as responsibility for some programs and services for status Indians off-reserve. INAC places policy emphasis on recognizing and implementing the inherent right of self-government, promoting self-reliance of Aboriginal and northern communities by encouraging sustainable development, settling Aboriginal land claims, supporting the devolution of responsibilities to accountable Aboriginal and territorial governments, and responding to pragmatic local initiatives. INAC's regulatory responsibilities are administered by the Indian and Inuit Affairs Program and the Northern Affairs Program.

### **Legislative Mandate**

The Indian and Inuit Affairs Program is responsible for: fulfilling federal legal obligations arising from treaties and statutes concerning Aboriginal people; providing for the community-based delivery of basic services (elementary/secondary education, social assistance, housing, community infrastructure) to status Indians on reserves and Inuit; assisting Indians on reserves and Inuit to get access to economic development programs and services; providing financial support to status Indians participating in post-secondary education programs; negotiating the settlement of accepted claims relating to Aboriginal rights (not dealt with by treaty or other means) or past unfulfilled federal legal obligations; ensuring the implementation of comprehensive land claims

agreements; and advancing Aboriginal self-government through legislative, policy and administrative changes. The statutes administered by the Indian and Inuit Affairs Program, in whole or in part, include:

- Alberta Natural Resources Act
- British Columbia Indian Cut-off Lands Settlement Act
- British Columbia Indian Reserves Mineral Resources Act
- Caughnawaga Indian Reserve Act
- Cree-Naskapi (of Quebec) Act
- Department of Indian Affairs and Northern Development Act
- Federal Real Property Act (formerly titled the Public Lands Grants Act)
- Fort Nelson Indian Reserve Minerals Revenue Sharing Act
- Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act
- Gwich'in Land Claim Settlement Act
- Indian Act
- Indian Lands (Settlement of Differences) Act
- Indian Lands Agreement (1986) Act
- Indian Oil and Gas Act
- Indian (Soldier Settlement) Act
- James Bay and Northern Quebec Native Claims Settlement Act
- Manitoba Natural Resources Act
- Manitoba Supplementary Provisions Act
- Natural Resources Transfer (School Lands) Amendment Act, 1961
- New Brunswick Indian Reserves Agreement Act
- Nova Scotia Indian Reserves Agreement Act
- Nunavut Land Claims Agreement Act
- Railway Belt Act
- Railway Belt and Peace River Block Act
- Railway Belt Water Act
- St. Peter's Indian Reserve Act
- St. Regis Islands Act
- Sahtu Dene and Metis Land Claim Settlement Act
- Saskatchewan Natural Resources Act
- Saskatchewan Treaty Land Entitlement Act
- Sechelt Indian Band Self-Government Act
- Songhees Indian Reserve Act
- Western Arctic (Inuvialuit) Claims Settlement Act

The Northern Affairs Program is responsible for: coordinating federal activity and programming in the North; providing transfer payments to the governments of the Yukon Territory and the Northwest Territories (to assist them in providing public services to territorial residents); fostering northern science and technology and providing a

focus for circumpolar affairs; supporting the balanced development of the North through the management of natural resources (oil and gas, minerals, water and lands) and the protection and management of the northern natural environment (including Arctic seas); fostering economic and employment opportunities for northerners, and funding social and cultural programs; and pursuing northern political development through devolution, program transfers, balanced economic development, the process of division of the Northwest Territories, and participation in the negotiation and implementation of northern land claims agreements, including the development of legislation and institutions establishing new resource management regimes in accordance with land claims agreements. The statutes administered by the Northern Affairs Program, in whole or in part, include:

- Arctic Waters Pollution Prevention Act
- Canada Lands Surveys Act, Part III
- Canada Oil and Gas Operations Act (formerly titled the Oil and Gas Production and Conservation Act)
- Canada Petroleum Resources Act
- Canadian Polar Commission Act
- Condominium Ordinance Validation Act
- Department of Indian Affairs and Northern Development Act
- Dominion Water Power Act
- Federal Real Property Act (formerly titled the Public Lands Grants Act)
- Land Titles Act
- Land Titles Repeal Act
- Northern Canada Power Commission (Share Issuance and Sale Authorization) Act
- Northern Canada Power Commission (Yukon Assets Disposal Authorization) Act
- Northwest Territories Act
- Northwest Territories Waters Act
- Nunavut Act
- Territorial Lands Act
- Yukon Act
- Yukon Placer Mining Act
- Yukon Quartz Mining Act
- Yukon Waters Act



# Initiatives for 1995

## Indian and Inuit Affairs Program

INAC/95-1-O-L

### **Cree-Naskapi Band Expropriations**

These regulations will establish the substantive and procedural requirements for expropriations by the Cree bands and the Naskapi band of northern Quebec, for community purposes or community works, of rights and interests in Category 1A or 1A-N lands (lands under federal jurisdiction) or in buildings situated thereon.

The regulations will apply only on the Category 1A and 1A-N lands of the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Because of their limited application, these regulations will have little or no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with these regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

**Legal Authority:** Cree-Naskapi (of Quebec) Act, section 156

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-1.

**Contact:** Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs Canada, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

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INAC/95-2-O-L

### **Cree-Naskapi Special Band Meetings**

These regulations will govern special band meetings of the Cree bands and the Naskapi band. They will include provisions for the calling and conduct of meetings, including provisions for voting at meetings and for preparing and keeping records of votes taken. However, the regulations will apply only if, at the time of the calling of a special band meeting, there is no special band meeting by-law in force.

The regulations will apply only to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no

financial costs to the federal government associated with the regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

**Legal Authority:** Cree-Naskapi (of Quebec) Act, section 87

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-2.

**Contact:** Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs Canada, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

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INAC/95-3-O-L

### **Cree-Naskapi Band Referenda**

These regulations will govern band referenda of the Cree bands and the Naskapi band. They will include provisions for the calling and conduct of referenda, including provisions for voting in referenda and for preparing and keeping records of votes taken. However, the regulations will apply only if, at the time of the calling of a band referendum, there is no band referenda by-law in force.

These regulations will apply to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

**Legal Authority:** Cree-Naskapi (of Quebec) Act, section 87

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-3.

**Contact:** Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

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## INAC/95-4-O-L Indian Estates

Section 13 of these regulations prohibits the payment of interest on money held in accounts on behalf of absent or missing heirs. A review concluded that it is improper to withhold interest on these accounts, since the government is benefitting from the use of this money until it is paid out. In addition, in other (provincial) jurisdictions across Canada interest is paid on similar types of accounts. An amendment to the regulations will allow for the payment of interest. The payment of interest would commence on the date that the amendment to section 13 is effective. There will be no retroactive payment of interest.

As a result of this amendment, the maximum current liability of the federal government would be approximately \$98,000.00 (at current interest rates) in interest on accounts held on behalf of missing or absent heirs. This cost will be offset by the use that the government will have of the money until it is paid out at some future time.

**Legal Authority:** Indian Act, section 42

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-5.

**Contact:** John Barg, Estates Advisory Officer, Band Governance and Estates Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 18th Floor, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7474; Fax: (819) 997-0034.

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## INAC/95-5-O-L Indian Mining

These regulations set out a procedure for the administration of metallic and non-metallic minerals (excluding unconsolidated and petroliferous minerals) with respect to surrendered mines and minerals on reserve. These regulations, which were passed in 1954 under the Indian Act, will be amended to deal with technical concerns related to the titles of positions that are no longer appropriate, such as "Supervisor of Indian Minerals" and "Division Chief." These amendments will be discussed with Indian leaders.

The amendments will respond to technical concerns and do not call for new expenditures of federal money, nor do they entail changes in government policy.

**Legal Authority:** Indian Act, section 57 and subsection 73(3)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-6.

**Contact:** Jean-Louis Causse, Environment and Natural Resources Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 1745, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-8375; Fax: (819) 953-3323.

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## INAC/95-6-O-L Indian Timber

These regulations, which were passed in 1954 under the Indian Act, establish the regime for the cutting of on-reserve timber. Amendments to the regulations will clarify the amounts of security deposits required under the regulations, resolve inconsistencies between the French and English versions, address inconsistencies with the Indian Act regarding penalties and change references to position titles to references to the Minister. These amendments will be discussed with Indian leaders.

These amendments will respond to technical concerns and do not call for new expenditures of federal money, nor do they entail any significant changes in government policy.

**Legal Authority:** Indian Act, section 57 and subsection 73(3)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-7.

**Contact:** Peter Wyse, Environment and Natural Resources Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 17th Floor, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9276; Fax: (819) 953-3323.

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## INAC/95-7-N-L Revocation of the Caribou Friendship Society Lease Regulations No. 1

The Regulations authorize the Caribou Friendship Society to lease a parcel of Crown land in Williams Lake, B.C., for 25 years, beginning August 1, 1978, at \$1.00 per annum. A new lease is required in order to comply with the registration requirements of the provincial Land Titles Office and to update the legal description of the land covered by the lease. Indian and Northern Affairs Canada and the Caribou Friendship Society have signed an agreement to terminate the current lease and issue a new lease for the remainder of the 25-year lease. The new lease will



be issued by the Minister of Indian Affairs and Northern Development pursuant to the Federal Real Property Act. The Regulations are therefore no longer required and will be revoked. The revocation of these regulations will not have any cost impact.

**Legal Authority:** Federal Real Property Act, section 16(1)

**Status:** This is a new initiative.

**Contact:** Jean Marshall, Head, Facilities Management, Administration Directorate, Corporate Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 1260, 10 Wellington, Hull, Quebec, K1A 0H4. Tel: (819) 994-6537; Fax: (819) 953 3030.

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## **Northern Affairs Program**

### **INAC/95-8-O-L Canada Mining**

These regulations govern the administration and disposition of mineral rights in the Northwest Territories, including the staking and maintenance of mineral claims, leasing of mineral rights and payment of royalties on mineral production.

An amendment to the fee for identification tags (Schedule I, item 16) will reflect a 60 per cent increase in the price paid to the manufacturer. The federal government assay office no longer exists; therefore section 78 will be revoked. Pursuant to subsection 24(2), every locator of a claim, or a person acting on his or her behalf, must make application to record a claim on a prescribed form. Each claim requires a separate form. This system is labour intensive and time consuming. It is proposed to amend the form to allow for multiple claims.

The changes will benefit both government and industry by reducing operating costs, providing faster processing and reducing the paper burden.

**Legal Authority:** Territorial Lands Act, section 8

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-11.

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

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### **INAC/95-9-O-M**

## **Mining Land Use**

The Yukon Placer Mining Act and the Yukon Quartz Mining Act contain the rights and obligations for hardrock and placer mining in the territory. Neither act makes provision for environmental protection. Amendments to the two mining acts will provide for regulations for activities related to mineral exploration, development and production and to mine closure to meet the requirements of environmental assessment legislation.

In response to the mining industry's concerns about adequate consultation, the Yukon Mining Advisory Committee (YMAC) was established, consisting of environmental, Aboriginal, placer mining and hardrock mining interests in the Yukon Territory, and representatives of federal and territorial governments.

The proposed legislation and regulations will result in increased environmental protection consistent with the environmental assessment legislation. This initiative is classified as major because of the considerable expansion of the department's administrative, analytical, inspection and enforcement capabilities that will be required. Fees will be designed in a manner consistent with administrative charges already applicable to other land uses in the territories.

**Legal Authority:** Yukon Placer Mining Act and Yukon Quartz Mining Act (proposed amendments)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-12.

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

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### **INAC/95-10-O-L**

## **Placer Mining Authority**

General Enterprises operates a sand and gravel quarry within the townsite boundaries of Whitehorse, Yukon. The operator has discovered that small amounts of placer gold may be processed from the sand and gravel at a profit. Paragraph 17(2)(g) of the Yukon Placer Mining Act permits the mining of placer deposits within the boundaries of a city, town or village under regulations approved by the Governor in Council. The regulations, which will provide that authority, are supported by the Government of Yukon and the Municipality of Whitehorse.



General Enterprises Limited expects to provide increased employment once it is able to recover the gold. Since the land is already leased to General Enterprises, it is not available for acquisition by other people. The proposed development will be an adjunct to the existing quarry operations.

**Legal Authority:** Yukon Placer Mining Act, paragraph 17(2)(g)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-13.

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

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INAC/95-11-R-L

### **Yukon Work Relief**

In accordance with the Yukon Quartz Mining Act, a claim holder must perform \$100 worth of exploratory work each year. The Yukon Quartz Mining Act Work Relief Regulations waive the work requirement if the claim holder so wishes, but do not restrict current claim holders; they do not prevent the claim holders from exercising their right to work the claim. The Regulations encourage the reduction or elimination of work done so that the area can be protected until the appropriate management regimes are put in place.

In 1978, in order to set aside land for a national park and other conservation purposes, Order in Council P.C. 1978-2195 withdrew certain lands in the northern Yukon Territory from dispositions such as mining. At the time there were 332 mineral claims in good standing in the area. To avoid land and other disturbances in the area until a proper management regime could be put in place, the Yukon Quartz Mining Act Work Relief Regulations were instituted to reduce the amount of exploratory work being done on the mineral claims. In addition, through the native claims settlement process for the Yukon Territory, the Kluane Tribal Council has outlined an area that it considers to be sensitive to development activities and that contains a large number of mineral claims in good standing. Work Relief Orders will extend the regulations for both areas to December 31, 1996.

In response to the above-noted concerns, the regulations eliminate the necessity for claim holders to make expenditures on mineral claims in an area that has been withdrawn for a park or other conservation

purposes. Orders extend the present regime and therefore have no significant impact other than protecting the existing rights of the holders of mineral claims until such time as final disposition of the area is determined in consultation with Aboriginal and other affected parties.

**Legal Authority:** Yukon Quartz Mining Act, section 55

**Status:** This is a recurring initiative.

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

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INAC/95-12-R-I

### **Yukon Mining - Staking Prohibitions**

In 1995, approximately 16 orders-in-council under the Yukon Placer Mining Act and the Yukon Quartz Mining Act will be required to prohibit the staking of claims and prospecting for precious minerals on certain lands in the Yukon Territory that are required for various public purposes. Prohibition orders have been used consistently over the years to protect lands required to meet certain public policy objectives, including the settlement of native land claims. Only the prospecting and staking of new claims will be prohibited. The holders of claims in good standing retain all existing rights without interference. Lapsed claims, however, cannot be restaked.

**Legal Authority:** Yukon Quartz Mining Act, section 14.1; Yukon Placer Mining Act, section 98

**Status:** This is a recurring initiative.

**Contact:** Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

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INAC/95-13-R-I

### **Federal Government Employee Land Acquisitions**

In 1995, approximately 10 orders-in-council under the Territorial Lands Act will be required to authorize employees of the Government of Canada to acquire interests in Crown lands in the Northwest Territories or the Yukon Territory. These orders will also ensure conformity with the federal government's

conflict-of-interest guidelines. Employees or their spouses routinely acquire territorial lands for residences, cottages or commercial interests.

These orders will have no impact on the general public, although employees and their families may suffer financial or personal hardship if an order is not approved in a timely manner.

**Legal Authority:** Territorial Lands Act, section 29

**Status:** This is a recurring initiative.

**Contact:** Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

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INAC/95-14-O-I

### **Territorial Lands**

These regulations govern the disposition of Crown land in the Yukon Territory and Northwest Territories. They have become dated in some areas and procedures need to be streamlined. The new regulations will be made pursuant to both the Territorial Lands Act and the Federal Real Property Act to provide for the administration of land within the territories and the adjacent offshore areas.

The requirement for a security deposit in some cases will ensure greater control over site rehabilitation and environmental management. The fee structure will be modified to reflect current land prices in the rest of Canada and current governmental cost-recovery policies. Northern interest groups and affected parties will be consulted on the development of these regulations.

**Legal Authority:** Territorial Lands Act, subsection 23(h); Federal Real Property Act, paragraph 15(2)(a)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-19.

**Contact:** Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

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INAC/95-15-O-I

### **Northern Pits and Quarries**

The present Territorial Quarrying Regulations, which were promulgated in 1957, have become inadequate for effective conservation of granular material deposits, the management of extracting operations and the protection of the environment.

The revised regulations will be pursuant to both the Territorial Lands Act and the Federal Real Property Act, to permit offshore application. These regulations will provide a more effective regime for offshore granular material management, particularly in light of major development activities such as artificial island construction. The 1957 fee schedule will be modernized to reflect higher administration costs and the need to conserve high-quality materials. The new fees will be more consistent with those charged in the rest of Canada. Northern interest groups and affected parties will be consulted on the development of these regulations.

**Legal Authority:** Territorial Lands Act, subsection 23(h); Federal Real Property Act, paragraph 15(2)(a)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-20.

**Contact:** Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs Program, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

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INAC/95-16-O-I

### **Mackenzie Valley Environmental Impact Assessment**

Regulations dealing with environmental impact assessment within the Mackenzie Valley are required in order to implement the Gwich'in and Sahtu land claims settlements and any future land claim settlements within the Mackenzie Valley. Resource management legislation, which must be enacted prior to December 22, 1994, will create new resource management boards and will authorize these regulations.

Additional environmental assessments may be required, possibly resulting in a moderately increased cost to developers.

**Legal Authority:** Mackenzie Valley Resource Management Act (proposed)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of initiative number IAND-22.

**Contact:** David Jennings, Chief, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 621, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 997-0222; Fax: (819) 953-8766.

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INAC/95-17-O-I

### **Mackenzie Valley Land Use**

Regulations dealing with the use of lands within the Mackenzie Valley are required in order to implement the Gwich'in and Sahtu land claims settlements and any future land claim settlements within the Mackenzie Valley. Resource management legislation, which must be enacted prior to December 22, 1994, will create new resource management boards and will authorize these regulations.

Land use fees and application fees, previously set in 1971, will be increased, adding to the costs associated with exploration and development in the Mackenzie Valley.

**Legal Authority:** Mackenzie Valley Resource Management Act (proposed)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of initiative number IAND-22.

**Contact:** David Jennings, Chief, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 621, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 997-0222; Fax: (819) 953-8766.

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INAC/95-18-O-L

### **Mackenzie Valley Surface Rights**

A Mackenzie Valley Surface Rights Bill is currently being drafted. It will establish a Surface Rights Board within the Mackenzie Valley, which is required in order to implement the Gwich'in and Sahtu land claim agreements. The regulations will set fees for entry onto settlement land and facilitate operation of the Surface Rights Board.

It is anticipated that the costs associated with resource exploration and development in the Mackenzie Valley

will be increased marginally as a result of these regulations.

**Legal Authority:** Mackenzie Valley Surface Rights Act (proposed)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-23.

**Contact:** Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-7472; Fax: (819) 953-8766.

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INAC/95-19-O-L

### **Nunavut Surface Rights**

A Nunavut Surface Rights Bill is currently being drafted and must be enacted by January 9, 1995. It will establish a Surface Rights Tribunal within Nunavut, which is required in order to implement the Nunavut Land Claim Agreement. The regulations will set fees for entry onto settlement land and facilitate operation of the Tribunal.

It is anticipated that the costs associated with resource exploration and development in Nunavut will be increased marginally as a result of these regulations.

**Legal Authority:** Nunavut Surface Rights Act (proposed)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-24.

**Contact:** Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-7472; Fax: (819) 953-8766.

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INAC/95-20-O-L

### **Yukon Surface Rights**

A Yukon Surface Rights Bill is currently being drafted. It will establish a Surface Rights Board within the Yukon Territory, which is required in order to implement the Yukon First Nation Final Agreements. The regulations will set parameters for entry onto settlement land and facilitate the operation of subsurface rights holders.

It is anticipated that the costs associated with resource exploration and development in the Yukon Territory



will be increased marginally as a result of these regulations.

**Legal Authority:** Yukon Surface Rights Act (proposed)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-25.

**Contact:** Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-7472; Fax: (819) 953-8766.

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INAC/95-21-O-L

### **Northwest Territories Reindeer**

These regulations provide for the management and protection of reindeer in the Northwest Territories. A review of the regulatory framework has indicated that due to duplication with other legislation and redundancies in the context of current reindeer management issues, the regulations should be revoked.

This initiative would remove unnecessary administrative requirements, which should have a positive impact on the owners of reindeer in the Northwest Territories. Consultations with potentially affected parties will be completed before the regulations are revoked.

**Legal Authority:** Northwest Territories Act, subsection 47(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-26.

**Contact:** Fred McFarland, Chief, Biological Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, North Tower, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 997-9621; Fax: (819) 953-2590.

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INAC/95-22-O-L

### **Archaeological Sites - Yukon and Northwest Territories**

These regulations govern the examination, disposition and removal of archaeological and historical resources found in the Yukon Territory and the Northwest Territories. Overall responsibility for archaeology has already been transferred to the commissioners of the Yukon Territory and the Northwest Territories.

However, amendments to the regulations, pursuant to the Yukon Act and the Northwest Territories Act, will allow the Minister to delegate authority for these regulations to the commissioners of the Yukon Territory and the Northwest Territories respectively. There will be no other changes to the regulations aside from the change in responsibility for their implementation.

These amendments would ensure current arrangements are consistent with regulatory authority. There are no financial costs associated with the amendments.

**Legal Authority:** Yukon Act, section 60; Northwest Territories Act, section 57

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-27.

**Contact:** Sheila Meldrum, Senior Analyst, Program Devolution, Sectoral Policy and Program Devolution, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 949, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 997-9336; Fax: (819) 997-0552.

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INAC/95-23-O-L

### **Canada Oil and Gas Land**

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands, which was used extensively until the early 1980s. Canadian ownership requirements in these regulations will be revoked to ensure consistency with oil and gas legislation.

As these regulations have been in place for many years, the oil and gas industry is familiar with them. The proposed amendment will have a positive impact.

**Legal Authority:** Territorial Lands Act, section 23; Federal Real Property Act, paragraph 15(2)(a)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-33 and initiative number NRCan-41 and is the same as NRCan/95-29.

**Contact:** Judy Tanguay, Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 997-0878; Fax: (819) 953-5828.

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INAC/95-24-O-I

## **Frontier Lands Division and Minimum Area**

The relevant portions of the existing Canada Oil and Gas Land Regulations, dealing with land division and survey, were prepared on the basis of the 1927 North American Datum pursuant to the Territorial Lands Act and the Public Lands Grants Act. With the creation of a new satellite survey system, North American Datum (NAD) 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater degree of accuracy that new surveying methods will provide.

**Legal Authority:** Canada Petroleum Resources Act, section 107

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-37 and initiative number NRCan-22 and is the same as NRCan/95-14.

**Contact:** Judy Tanguay, Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0878; Fax: (819) 953-5828.

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INAC/95-25-O-L

## **Frontier Lands Registration**

The Canada Petroleum Resources Act allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances. These regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g. transfers), and the retrieval of information. The proposed amendments will ensure that the English and French versions are equivalent and will streamline the operation of the registry system.

The petroleum industry is already complying with the regulations. The amendments will have no negative impact; rather, they will make it easier for industry to comply with the regulations.

**Legal Authority:** Canada Petroleum Resources Act, sections 100 and 107

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-38 and initiative number NRCan-27 and is the same as NRCan/95-18.

**Contact:** Judy Tanguay, Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0878; Fax: (819) 953-5828.

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INAC/95-26-N-L

## **Yukon Timber**

These regulations govern the disposition of timber-cutting rights on territorial lands in the Yukon Territory. Amendments will deal with concerns related to discretionary powers of officials raised by the Standing Joint Committee for the Scrutiny of Regulations.

This regulatory initiative will have minimal impact since the regulatory regime will remain unchanged.

**Legal Authority:** Territorial Lands Act, subsection 23(h); Federal Real Property Act, paragraph 15(2)(a)

**Status:** This is a new initiative.

**Contact:** Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090 Fax: (819) 953-2590.

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INAC/95-27-N-L

## **Yukon Forest Protection**

These regulations provide for forest protection on territorial lands in the Yukon Territory. Amendments will deal with concerns related to discretionary powers of officials raised by the Standing Joint Committee for the Scrutiny of Regulations. This regulatory initiative will have minimal impact since the regulatory regime will remain unchanged.

**Legal Authority:** Territorial Lands Act, section 18; Federal Real Property Act, paragraph 15(2)(a)

**Status:** This is a new initiative.

**Contact:** Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

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## Future Initiatives

### Canada Mining

These regulations govern the administration and disposition of mineral rights in the Northwest Territories. Amendments will be proposed to the existing royalty regime in order to clarify intent.

These amendments will require consultation with Finance Canada, Natural Resources Canada, the Government of the Northwest Territories, the mining industry and, under the terms of land claims agreements, with Aboriginal representatives in the N.W.T.

**Classification:** Low-cost initiative

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-6434; Fax: (819) 953-9066.

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### Mine Site Reclamation

Amendments to the Yukon Quartz Mining Act will make it possible for this regulation to deal with the environmental impact of mining from the advanced exploration stage through closure and abandonment. A discussion paper on this regulation was released to the public in 1993. The regulation will be developed after completion of public consultation on the discussion paper.

**Classification:** Major initiative

**Contact:** Robert Lauer, Senior Financial Advisor, Mineral Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-6772; Fax: (819) 953-9066.

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### N.W.T. Mining Royalty Regime

Based on recent discoveries in the N.W.T., it is now apparent that Canada has great potential to become a major world producer of diamonds. The Canada Mining Regulations (CMR) do not provide a production system tailored to the needs of this new industry. The exploration phase is being satisfactorily carried out under the CMR, but an analysis to determine what new legislation and regulations may be needed is being conducted before production commences.

The analysis will identify proposed amendments or new legislation and consequent regulations, taking into account environmental, Aboriginal and economic development concerns. These proposals would then be discussed with stakeholders.

**Classification:** Low-cost initiative

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-6434; Fax: (819) 953-9066.

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### Territorial Dredging

The Territorial Dredging Regulations, promulgated in 1978, govern dredging rights for minerals in submerged river beds in the Northwest Territories and the Yukon Territory. These regulations require some updating. However, changes are not expected to be major or controversial.

An assessment will identify proposed amendments which would then be discussed with stakeholders. Revisions would be made as part of normal ongoing regulatory change. Timing will be dependent on the extent of change required, concurrence on amendments and other priorities.

**Classification:** Low-cost initiative

**Contact:** John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington, Hull, Quebec, K1A 0H4.  
Tel.: (819) 994-6434; Fax: (819) 953-9066.



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## General Information

### Roles and Responsibilities

Industry Canada was formed in June 1993 by the merger of the former Industry, Science and Technology, Consumer and Corporate Affairs (except Product Safety Branch and the agri-food packaging and labelling section of the Food Division), the Research and Policy Review Division of Investment Canada, and telecommunications policy and programs from the former Department of Communications, of which Spectrum Management programs form an integral part.

The combination of these policy areas makes Industry Canada the government's key economic department. The overall objective of the department is to enhance Canadian competitiveness. This will be achieved with a stronger focus on microeconomic policies. The department provides the private sector, particularly small business, with a more effective single-window

on government in the areas of market and business framework policies, economic development, international competitiveness, and investment research, policy and review. Industry Canada plays a lead role in reducing internal trade barriers.

In addition, the department provides policy leadership within government in technology issues and in the development of Canada's scientific infrastructure. Industry Canada promotes high value-added industrial development by encouraging the development of new products and by enhancing the participation of Canadian scientists and businesses in international ventures.

Industry Canada's regulatory regime is focussed primarily around the fair and efficient operation of the Canadian marketplace, and on providing an infrastructure for the Canadian radiocommunications, broadcasting and telecommunications industries. In terms of providing the framework for the Canadian marketplace, the department ensures that the rules for marketplace behaviour are adequate and properly administered, redresses the imbalance between producers and consumers through consumer protection and representation, promotes creativity, innovation and the use of technology, and provides financial assistance to Canadian companies. The department establishes and administers rules and guidelines for business conduct, ensures accurate information for informed consumer and investor decisions, maintains and encourages competition among businesses, and encourages the disclosure and diffusion of technological innovation.

The objective of Industry Canada in the areas of Canadian radiocommunications, broadcasting and telecommunications is to provide these industries with the legislative and regulatory infrastructure required to compete in the global marketplace. This infrastructure provides for the development of scientific and technical expertise in government, industry and the scientific community in the fields of telecommunications and informatics, and ensures the promotion, development and use of advanced technologies in these fields by Canadian industry for both domestic and world markets. The department is also responsible for improving and extending communications services available to Canadians. The department seeks to ensure the accommodation of as many users of the radio frequency spectrum as possible with a minimum of interference. It also promotes the development and growth of radio and controlling spectrum used by Canadian broadcasters, operators and radio licence holders, and protects

Canada's rights and interests regarding spectrum use through international agreements and regulations.

The former CCAC and Department of Communications had both completed extensive reviews of their regulations prior to the formation of Industry Canada. The review process was directed at finding ways to reduce, streamline or eliminate regulations whose costs may outweigh their benefits. One of the key objectives of the review process was to ensure that federal regulations do not impede Canadian competitiveness. The reviews were undertaken with the cooperation and full participation of stakeholders and clients.

Several common themes emerged from these reviews. These include: enhancing Canadian competitiveness; reducing the administrative burden on government, industry and small business; exploring alternatives to regulation where appropriate; harmonizing the regulatory framework (particularly with respect to standards); and increasing the efficiency of the regulatory process. Industry Canada remains committed to implementing the results of these reviews. In addition to actions taken within the department, Industry Canada will take a lead role in the ongoing reform of the federal regulatory regime at a government-wide level.

### **Legislative Mandate**

Industry Canada has responsibility for the administration of a broad range of Acts, including those listed below:

- Bankruptcy and Insolvency Act
- Boards of Trade Act
- Cape Breton Development Corporation Act
- Canada Business Corporations Act
- Canada Cooperatives Associations Act
- Canada Corporations Act
- Communications Act, Department of
- Companies' Creditors Arrangements Act
- Competition Act
- Competition Tribunal Act
- Consumer and Corporate Affairs Act, Department of
- Consumer Packaging and Labelling Act
- Copyright Act
- Electricity and Gas Inspection Act
- Industrial Design Act
- Industry, Science and Technology Act, Department of
- Integrated Circuit Topography Act
- Investment Canada Act
- Lobbyists Registration Act

- National Research Council Act
- Natural Sciences and Engineering Research Council Act
- Patent Act
- Precious Metals Marking Act
- Public Servants Inventions Act
- Radiocommunication Act
- Small Business Loans Act
- Social Sciences and Humanities Research Council Act
- Standards Council of Canada Act
- Tax Rebate Discounting Act
- Telecommunications Act
- Textile Labelling Act
- Trade-marks Act
- Weights and Measures Act

## **Initiatives for 1995**

### **Bankruptcy Branch**

IC/95-1-O-L

#### **Bankruptcy and Insolvency - Revision of Rules and Forms**

The Bankruptcy and Insolvency Rules and the prescribed Forms include some provisions that are useless, obsolete or inadequate. A complete revision of the Rules and the accompanying Forms is required in order to facilitate the process. As part of this revision, court fees, which include fees payable to the court registrar (Annex 1), will be amended.

In general, the Rules and the prescribed Forms aim to ensure that the certainty and uniformity of the procedure before the courts.

The objectives of this revision are to modernize the Bankruptcy Rules and Forms, to clarify and harmonize them, as well as to eliminate duplication and repeal obsolete provisions.

The revision will facilitate the administration of the Bankruptcy and Insolvency Act. Moreover, attention will be given to reducing paperburden, or the disproportionate burden to professionals and business people. Note that the actual rule prescribing that forms can be modified, in accordance with the circumstances, (Rule 3), will be maintained.

Even though fees payable to the court registrar may be increased, this modification should not increase the total cost of the administration of bankruptcy, since, in most cases, it will not be necessary to open a court file.



The insolvency professionals and the provinces which administer the courts that have jurisdiction in bankruptcy matters, will be consulted until the modifications come into force.

The conformity to Rules and prescribed Forms rests, in part, with the Superintendent of Bankruptcy, and moreover, with the courts that have jurisdiction in bankruptcy matters.

**Legal Authority:** Bankruptcy and Insolvency Act, R.S.C. 1985, section B-3, Act to amend the Bankruptcy and Insolvency Act and the Income Tax Act, S.C. (1992), section 27

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-1.

**Contact:** George Redling, Superintendent of Bankruptcy, Industry Canada, Journal Tower South, 8th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-2691; Fax: (613) 941-2862.

## **Broadcasting Regulation Branch**

IC/95-2-O-L

### **AM Carrier Current Transmitters**

Carrier current undertakings are broadcasting undertakings. The AM carrier current transmitters that form part of these undertakings are currently required to obtain a broadcasting certificate and a technical acceptance certificate (TAC).

This initiative would remove the requirement to hold a Broadcasting Certificate now applicable to these transmitters, providing they comply with the technical standards and requirements that are the prerequisite conditions for the issuance of the TAC.

These technical standards and requirements are established in Broadcasting Equipment Technical Standard 2 (BETS-2) "Technical Standards and Requirements for AM Carrier Current Transmitters that Form Part of a Carrier Broadcasting Undertaking."

This initiative will form part of the ongoing reform of the Radio Regulations. By reducing the administrative burden on both the operators of AM carrier current undertakings and the department, this initiative will reduce the costs associated with the regulation of these undertakings. The broadcasting industry has been fully consulted on this initiative.

**Legal Authority:** Radiocommunication Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-2.

**Contact:** Fernand Bouchard, Senior Engineer, Broadcasting Regulation Branch, Industry Canada, 300 Slater Street, Room 1200, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@crc.doc.ca

IC/95-3-O-I

### **Broadcasting Receiving Apparatus**

Broadcasting receiving apparatus are radio apparatus capable of receiving broadcasting that are intended and used for the purpose of home entertainment. Broadcasting receiving apparatus include TV receivers, TV converters, video recording devices, closed-captioned decoders, descramblers, satellite receivers and television interface devices that produce one or several signal(s) fed to the input terminals of another receiving apparatus.

The purpose of this initiative is to create a class of radio apparatus called "broadcasting radio apparatus" that will replace all the classes already existing for these apparatus. As a consequence, all broadcasting receiving apparatus will have to comply with technical standards and requirements established for that class in Broadcasting Equipment Technical Standard 7 (BETS-7) "Technical Standards and Requirements for Broadcasting Receiving Apparatus."

The creation of a single class of apparatus, replacing the four classes that now exist, will reduce the administrative burden on the manufacturers and the department. Furthermore, the standards applying to the new class will be harmonized with existing US standards for similar apparatus. This initiative is expected to lead to a reduction of the costs of complying with the present regulations.

**Legal Authority:** Radiocommunication Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-3.

**Contact:** Fernand Bouchard, Senior Engineer, Broadcasting Regulation Branch, Industry Canada, 300 Slater Street, Room 1200, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette

IC/95-4-O-L

### **Low-Power Announce Transmitters**

Low-power announce undertakings operating in the frequency bands 525-1,705 kHz and 88-107.5 MHz are

broadcasting undertakings. The low-power announce transmitters that form part of these undertakings are currently required to obtain a broadcasting certificate and a technical acceptance certificate (TAC).

This initiative would remove the requirement to hold a broadcasting certificate now applicable to these transmitters providing they comply with the technical standards and requirements that are the prerequisite conditions for the issuance of the TAC.

These technical standards and requirements are established in Broadcasting Equipment Technical Standard 1 (BETS-1) "Technical Standards and Requirements for Low-Power Announce Transmitters in the Frequency Bands 525-1,705 kHz and 88-107.5 MHz."

This initiative will form part of the ongoing reform of the Radio Regulations. By reducing the administrative burden on both the operators of low power announce undertakings and the department, this initiative will reduce the costs associated with the regulation of these undertakings. The broadcasting industry has been fully consulted on this initiative.

**Legal Authority:** Radiocommunication Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-4.

**Contact:** Fernand Bouchard, Senior Engineer, Broadcasting Regulation Branch, Industry Canada, 300 Slater Street, Room 1200, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@crc.doc.ca

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IC/95-5-O-L

### **Broadcasting Technical Data Services Fees Order**

The department charges a fee for the provision of broadcast technical data information to the public. Currently, these fees are contained in a regulation.

The department will repeal this regulation but will continue to provide the data information for a fee by contracting with individual clients, in keeping with the principles of regulatory reform.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-32.

**Contact:** Fernand Bouchard, Senior Engineer, Broadcasting Regulation Branch, Industry Canada,

300 Slater Street, Room 1200, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@crc.doc.ca

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## **Canadian Intellectual Property Office (CIPO)**

IC/95-6-O-I

### **Copyright - Revision of Regulations and Fees**

In order to improve the CIPO's level of service and to become self-financing, it is necessary to review current fees and introduce new fees for copyright registration services. Such fee adjustments will allow the recovery of costs for services for the registration of rights and assignments under the Copyright Act.

The revision of the Regulations will clarify certain sections and eliminate others. There is no alternative to regulation, as this revision is necessary to clarify and eliminate existing rules as a result of international agreements.

The revision of the application form prescribed for applying for registration of a copyright is necessary in order to facilitate the administration of the registry system.

Consultation with CIPO's clients in these areas is ongoing.

**Legal Authority:** Copyright Act, section 59

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-6.

**Contact:** Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1657; Fax: (819) 953-6977.

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IC/95-7-O-I

### **Industrial Design - Revision of Regulations and Fees**

As a special operating agency, access to a revolving fund makes CIPO visibly accountable for financing cash flow, revenues and the full costs of its operations. In order to improve the operations' level of service and be self-financing, it is necessary to review current fees and include new fees to allow for the recovery of costs for services offered to the public for processing of applications and assignments for industrial designs.

Mainly as a result of the North American Free Trade Agreement Implementation Act, a revision of the Regulations is needed due to an overlap in the regulation-making powers between the Governor in Council and the Minister. The revision of the Regulations will also clarify certain sections which were recently amended.

There is no alternative to regulation, as these revisions are necessary to clarify the existing Regulations. Consultation with CIPO's clients in this area is ongoing.

**Legal Authority:** Industrial Design Act, section 25

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-7.

**Contact:** Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase 1, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1657; Fax: (819) 953-6977.

IC/95-8-O-1

**Patents - Revision**

The Patent Regulations will be revised as a consequence of the Intellectual Property Law Improvement Act, which came into effect on June 9, 1993. This Act has the effect of amending the Patent Act to authorize greater scope for making rules affecting the filing, examination and granting of patents. In particular, rules will be drafted respecting the submission of documents and fees in electronic format, including the recording and storage of such documentation, the requirements for a filing date, the withdrawal of a patent application before it is open to public inspection, the information required and time limits applicable to claim/withdraw priority for a patent application, the deposit of a biological material for the purposes of patent disclosure, the submission of nucleotide/amino acid sequences in electronic form, the prior art effect of Patent Cooperation Treaty application, the registration of assignments, the abandonment and reinstatement of patent applications, the manner of paying maintenance fees, and generally for carrying into effect the objectives and purposes of the Patent Act. Significant added costs to patent applicants are not anticipated. Consultation with CIPO's clients in this area is ongoing.

**Legal Authority:** Patent Act, section 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-9.

**Contact:** Anthony McDonough, Director, Patent Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase 1, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 953-5864; Fax: (819) 953-9358.

IC/95-9-O-1

**Trade-marks - Revision**

Amendments are to be made to the Trade-marks Regulations to ensure consistency with current jurisprudence and with current practices and procedures utilized in the Trademarks Office. Regulations that are redundant or have been found *ultra vires* by the Federal Court are being deleted and the wording of certain regulations is being amended so that the terminology is consistent in the Regulations and in the Trade-marks Act.

The Trade-marks Regulations have remained substantially unchanged since the present Trade-marks Act was passed in 1952. Since that time, decisions have been rendered by the Federal Court which have found certain sections of the Regulations *ultra vires*. Particular rules have been found by the Trade-marks Office to be less than effective in implementing the provisions of the Trade-marks Act, while other rules impede the efficiency of the Trade-marks Office. As well, periodic concerns have been raised by trademark practitioners that certain rules should be amended in order to facilitate the handling of trademark matters before the Trade-marks Office.

The proposed changes will affect almost all of the rules but will not have an impact on existing substantive rights presently accorded to trademark owners by the Regulations. Most of the changes affect the documentation filed by the public or the manner in which documentation is handled by the Trade-marks Office. The changes will decrease the paper workload for both the public and the Trade-marks Office and improve service to the public.

All services received by trademark applicants are paid for by the owners of the rights registered by the Office on a complete cost recovery basis. Furthermore, at least 40 per cent of the revenues generated by the Trade-marks Office come from outside Canada. Significant added costs to trademark applicants are not anticipated. Consultation with CIPO's clients in this area is ongoing.

**Legal Authority:** Trade-marks Act, section 65



**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-11.

**Contact:** Barbara Bova, Director, Trademarks Examination Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase 1, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 994-2423; Fax: (819) 953-7620.

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IC/95-10-N-I

### **Implementation of Canada's obligations under the GATT/TRIPS**

The statutory changes required for Canada to meet its obligations under the GATT are presently being drafted and are to be tabled in the House of Commons in the fall of 1994. The current draft of these statutory changes contains amendments to the Copyright Act, Industrial Design Act, Integrated Circuit Topography Act, Patent Act, and Trade-marks Act. If there are regulatory changes that result from the legislative amendments, these initiatives will be undertaken in 1995 in order to meet Canada's TRIPS implementation deadline of January 1, 1996.

**Legal Authority:** Copyright Act,; Industrial Design Act; Integrated Circuit Topography Act; Patent Act; and Trade-marks Act

**Status:** This is a new initiative.

**Contact:** Doug Kuntze, Director, Planning, International and Regulatory Affairs, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase 1, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 953-9090; Fax: (819) 997-1890.

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### **Consumer Products Branch**

IC/95-11-O-L

#### **Textile Labelling and Advertising Regulations - Proper Use of Terms**

The Textile Labelling Act and Regulations are intended to further consumers' interests by requiring the provision of basic, accurate information on clothing and other textile articles, including fibre content, and prohibiting misrepresentation in the labelling and advertising of these items.

Section 42 of the Textile Labelling and Advertising Regulations attempts to prescribe the proper use of a number of commonly used expressions, such as hand-knitted, hand-woven and hand-crafted, to prevent false and misleading representations.

However, the regulations are not sufficiently clear or sufficiently broad. As a result, the regulation is difficult to apply, interpret and enforce. Amending this section to clarify the acceptable use of these terms should lessen the potential for their misuse. This amendment is intended to clarify the use and interpretation of the following terms: hand-spun, hand-framed, hand-woven, hand-loomed, hand-knitted, hand-sewn, hand-printed, hand-crafted, handicraft and hand-made.

Amending the regulations is the only viable alternative for clarifying the usage of referenced terminology.

The benefit of this amendment will be clearer regulations resulting in more meaningful information in the labelling and advertising of textile articles and more consistent use of terminology, thereby benefitting consumers, the trade and departmental officials. No significant additional costs or burden to government, industry or consumers will result from these amendments.

Consultation with the industry and other interested parties has been conducted extensively through request for input from textile associations and other interested parties on the draft proposal.

This amendment will be enforced as part of the routine inspection activity of Industry Canada.

**Legal Authority:** Textile Labelling Act, section 11

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-15.

**Contact:** Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

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IC/95-12-N-L

#### **Textile Labelling and Advertising Regulations - New Generic Name "Lyocell"**

The Textile Labelling Act and Regulations are intended to further consumers' interests by requiring the provision of basic, accurate information on clothing and other textile articles, including fibre content, and prohibiting misrepresentation in the labelling and advertising of these items.

The Regulations require that the fibre content be disclosed by generic name and specify the generic names permitted to be used in the labelling of textiles.

This amendment provides a new generic name (lyocell) and definition for a man-made cellulosic fibre that differs by definition and in method of production from any of the other acceptable generic names for man-made cellulosic fibres. It is in response to technological developments and industry representation, and will ensure consistency and harmony with the National Standard of Canada - Generic Names for Man-made Fibres.

As the generic names currently referenced in the Regulations are not applicable to this fibre, this regulatory amendment is considered to be the only viable alternative to ensure that textile articles incorporating this fibre are labelled in accordance with the Textile Labelling and Advertising Regulations.

This amendment will clarify current regulatory requirements for this fibre and as such there will be no additional costs or burden to government, industry or consumers resulting from this amendment. The benefits will be to ensure the appropriate labelling of products containing this fibre and consistency with the National Standard of Canada. No significant additional costs or burden to government, industry or consumers will result from these amendments.

Consultation with the industry and other interested parties has been conducted via the Committee on Generic Names for Man-made Fibres, which is comprised of representation from industry, i.e. fibre and fabric producers and retailers, government and testing organizations.

This amendment will be enforced as part of the routine inspection activity of Industry Canada.

**Legal Authority:** Textile Labelling Act, section 11

**Status:** This is a new initiative.

**Contact:** Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

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IC/95-13-O-L

## **Consumer Packaging and Labelling Regulations - Miscellaneous**

The Consumer Packaging and Labelling Regulations require minor revisions to reflect amendments made to other regulations or legislation and to improve clarity by deleting references to implementation or expiry dates that have been passed.

Amending the regulations is the only viable alternative for making these changes.

The benefit of this amendment will be clearer, more modern regulations.

No consultations are planned. There will be no change to the requirements established by these regulations.

**Legal Authority:** Consumer Packaging and Labelling Act, section 18

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-13.

**Contact:** Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

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IC/95-14-N-L

## **Consumer Packaging and Labelling Regulations - Net Quantity of Canned Fish Products**

As a result of a petition from industry, Fisheries and Oceans plans to amend the Fish Inspection Regulations for net quantity with respect to the treatment of free liquid added at the time of packing. For example, in a can of tuna packed in water, the net quantity is determined exclusive of the water. In the case of tuna packed in oil, however, the net quantity includes the oil. The amendment is intended to treat these products equally by requiring that the net quantity exclude both oil and water.

Since the Consumer Packaging and Labelling Regulations also establish requirements for net quantity, it is necessary that the two sets of regulations be consistent. As a result, it is proposed to amend the Consumer Packaging and Labelling Regulations to reflect the new requirements under the Fish Inspection Regulations.

Amending the regulations is the only viable alternative for making these changes.

The benefit of this amendment will be consistency with the Fish Inspection Regulations.

Consultations will be coordinated with Fisheries and Oceans.

This amendment will be enforced as part of the routine inspection activity of Industry Canada.

**Legal Authority:** Consumer Packaging and Labelling Act, section 18

**Status:** This is a new initiative.

**Contact:** Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

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IC/95-15-O-L

### **Consumer Packaging and Labelling Regulations - Initiatives Arising from 1992 Regulatory Review - Revocation of Section 36, Standardized Container Sizes**

During the 1970s, standardized container sizes were introduced under the Consumer Packaging and Labelling Regulations for 14 product classes because consumers were being confused by the proliferation of containers sizes during the switch to the Metric System.

Consultations carried out as part of the 1992 Regulatory Review concluded that these requirements could be revoked because marketplace forces are more effective in limiting the number of container sizes. This view is supported by the lack of proliferation of sizes for the hundreds of product classes which are not regulated. The requirements also now serve as a form of non-tariff barrier.

In those sectors where there is consensus for revocation, the regulations will be revoked immediately. For facial tissues, where there is no consensus, a sunset date will be established, after which the regulation will cease to be in force.

Further consultations and study are planned for the remaining four product classes: wine, refined sugar syrups, peanut butter and cookies/biscuits to determine the most appropriate sunset date. In the meantime, the permitted sizes for wine and cookies/biscuits are being expanded at the request of these two industry sectors.

Amending the regulations is the only viable alternative for making these changes.

The benefit of this amendment is to provide industry with more flexibility in packaging for marketing their products and for meeting environmental waste reduction objectives. The revocation of these regulations will also remove a barrier to trade.

**Legal Authority:** Consumer Packaging and Labelling Act, section 18

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-14.

**Contact:** Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

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## **Corporations Directorate**

IC/95-16-O-L

### **Canada Business Corporations Act - Contents of Takeover Bid Circular**

The Directorate proposes to amend regulation 60, which itemizes the information required for a takeover bid circular under section 200 of the Act when a share-for-share take-over bid transaction may result in shareholders of a CBCA corporation tendering their shares for shares of a non-CBCA corporation. It is necessary to amend the regulation to require the offeror to provide specific details of the effect of this change of jurisdiction on the rights of the shareholders.

Alternatives for this amendment would require legislative changes, as section 200 of the Act itself requires the takeover bid circular to be in a prescribed form.

This amendment will be of benefit to security holders of CBCA corporations in that it ensures they will be notified of the possible loss of rights or legal remedies if they tender their shares.

Since corporations complying with regulation 60 are already required to send out a takeover bid circular, the expansion of the ambit of this subsection to cover these transactions is not expected to impose a significant financial burden. The main cost, to be borne by the offeror, would be the price of the legal opinion determining whether the rights in question are lost or retained in the new jurisdiction.

Extensive consultation with interested parties has already taken place.

Enforcement of this provision would first be by letter requesting compliance followed by possible civil action to obtain a court order of compliance.

In the 1994 initiatives, it was also proposed to amend subsection 35(e) of the CBCR to ensure that it covers transactions, other than amalgamation and continuance transactions, that are transactions of this



type. After consultation with our clients, it was decided that there was no need for this amendment.

**Legal Authority:** Canada Business Corporations Act, sections 200 and 261(1)(a) and (c); Canada Business Corporations Regulations, section 60

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-17.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-17-O-L

### **Canada Business Corporations Act - Fees - Application for Exemption regarding Insider Reports**

This amendment would allow the Director appointed under the Canada Business Corporations Act to collect a fee in order to recover the cost of examining applications for exemption, pursuant to subsection 127(8) of the CBCA, from the statutory requirement to file reports of insider trading in the shares or debt obligations of a CBCA corporation.

There are no alternatives for this amendment. Section 261(1)(b) of the statute stipulates that the Governor in Council may make regulations requiring the payment of a fee in respect of the application to the Director for an exemption.

The Act already allows insiders, usually corporations on behalf of insiders, to apply for an exemption but the Government does not currently recover any cost for this service. The addition of prescribed fees will result in an additional cost for corporations or their insiders. However, the fee is outweighed by the time and expense saved by being exempted from filing insider reports. Provincial securities legislation which provide this type of exemption currently have filing fees.

Consultations will occur but the method has not yet been decided.

Those applicants not paying the fee will not have their applications examined.

**Legal Authority:** Canada Business Corporations Act, sections 127(8) and 261 (1)(b). A subsection to Schedule II of the Canada Business Corporations Regulations must be added.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-18.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-18-O-L

### **Canada Business Corporations - Fees - Certificate of Compliance**

This regulatory initiative modifies the fee structure applicable to certificates of compliance issued by the Director appointed under the Canada Business Corporations Act. Schedule II of the Canada Business Corporations Regulations now provides for the payment of a \$10.00 fee for the issuance of a certificate of compliance. This certificate cannot be issued if the corporation is not in good standing. In such cases, fees must be refunded despite the research work already having been completed.

It is proposed that the fee for the issuance of a certificate of compliance be revoked and replaced with a non-refundable fee of \$10.00 to process each request for a certificate of compliance.

In addition, it is proposed that a fee of \$10.00 be charged for each copy of a certificate of compliance sent to the client by facsimile.

As a result of this amendment, the number of refunds processed will be significantly reduced. The alternative is to maintain the status quo which is not satisfactory given current fiscal pressures and the Government's policy on cost recovery.

Consultation will occur but the method has not as yet been decided upon.

**Legal Authority:** Canada Business Corporations Act, paragraph 261(1)(b) and 263(2); Canada Business Corporations Regulations, subsection 2(i), Schedule II

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-19.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-19-O-1

## **Canada Business Corporations - Fees - Copies of Documents**

Regulation 82(3) presently exempts federal and provincial government departments or agencies from paying a fee to obtain a search of files for documents or copies of documents filed with the Director appointed under the Canada Business Corporations Act. This exemption will be revoked so as to enable the Director to fully recover the cost of providing search services or copies.

The alternative is to maintain the status quo which is not acceptable given that the cost of providing these services is not being accounted for in the form of payment for the services.

Due to this amendment, federal and provincial government agencies using Directorate services and obtaining Directorate copies will now have to pay \$1.00 per page or \$35.00 per certified copy.

Comments of provincial and federal agencies affected will be sought.

**Legal Authority:** Canada Business Corporations Act, sections 261(1)(b) and 266; Canada Business Corporations Regulations, subsection 82(3)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-20.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-20-O-L

## **Canada Business Corporations - Forms Furnished by the Director**

Canada Business Corporations Regulations 4(1) to 4(4) will be amended to permit corporations incorporated under the Canada Business Corporations Act to file annual returns on forms other than those supplied by the Director appointed under the CBCA. This will enable these corporations to use their own technological systems, as they have requested, to produce the information required to be filed with the Director.

The alternative is the status quo which many corporations have indicated is costly to them and does not facilitate compliance under the Act.

Consultation will be minimal because this amendment relieves a restriction imposed on CBCA corporations, at their request.

These amendments increase flexibility and efficiency by enabling the corporations to: use their own software in producing the annual returns rather than our hard copy of forms; speed up compliance in that corporations will be able to use their technology to process data more quickly; and facilitate electronic filing when this statutory amendment is proclaimed.

For the Corporations Directorate, forms dissimilar to the ones supplied by the Director may require more time to review and process, and may not be suitable for optical character recognition technology, should this be implemented in the future.

**Legal Authority:** Canada Business Corporations Act, section 261(1)(c); Canada Business Corporations Regulations, section 4

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-21.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-21-N-L

## **Canada Business Corporations - Housekeeping Amendments**

Further to housekeeping amendments to the CBCA, proclaimed on June 23, 1994, regulatory changes are required:

- certain regulations, Forms and Instructions of Schedule I and a section of Schedule II, relating to exemptions, will be revoked or amended because the corresponding statutory provisions respecting affiliation and auditor exemptions have been deleted;
- the Certificate of Discontinuance will be modified because the present Certificate of Discontinuance refers only to a continuance into another jurisdiction. The Certificate will be amended to effect both types of continuance applications, i.e., continuance into another jurisdiction and continuance under another federal statute, i.e. the Bank Act, the Trust and Loan Companies Act and the Insurance Act. It will also be amended to clarify that the CBCA ceases to apply to a corporation amalgamated under the statutes mentioned above;

- the Certificate of Amendment will be modified because the reference in the certificate to section 192 of the CBCA no longer applies; and
- a new Certificate of Arrangement is required because the new statute requires the Director to issue a Certificate of Arrangement rather than a Certificate of Amendment on the filing of Articles of Arrangement; and
- an amendment to the Instructions of some of the Forms is required because the filing of many documents no longer must be done in duplicate, as well as other amendments permitting immediate efficiency gains and removing certain burdens for clients, pending the development of complete electronic filing regulations.

The Regulations are an integral part of the implementation of the reform under the new statute. There are no alternatives as the Act itself requires these Regulations.

There are few additional costs to government or to corporations, except for the filing of new forms.

The use of a Certificate of Amendment has a benefit to the public who may wish to review the file for the corporation to understand what fundamental changes it has gone through. The amendment will remove the confusion of seeing on file a Certificate of Amendment which does not effect any amendment but rather some other type of transaction, like an amalgamation or an exchange of securities.

The amendment to the Certificate of Discontinuance enables the application of the amendments to section 188 of the CBCA dealing with a corporation leaving one jurisdiction to incorporate in another.

The department will consult with clients on these Regulations but the method has not yet been decided.

The new statute reduces the filing requirements for certain corporations and also significantly reduces the resources required to operate a compliance and enforcement program relating to financial disclosure.

These revisions to the regulations do not impose any significant additional enforcement costs. In fact, these amendments will decrease the compliance burden for CBCA corporations and the cost for the Corporations Directorate.

**Legal Authority:** Canada Business Corporations Act, section 261; Canada Business Corporations Regulations, Schedules I and II

**Status:** This is a new initiative.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-22-N-L

## Canada Business Corporations Act - Sending of Dissident's Proxy Circular

Subsection 150(1) of the CBCA stipulates that dissidents must send copies of dissident proxy material not to all shareholders but only to those shareholders whose proxies are solicited. Subparagraph 41(2)(b) of the BCCR presently requires that the dissident or his agent state that a copy of the circular has been sent to each shareholder of the corporation, whether the proxy is solicited or not.

The Directorate proposes to amend this paragraph to reflect the statutory requirement that the dissident proxy circular be sent only to shareholders whose proxy is solicited.

It is difficult to envisage alternatives because the regulation, as presently drafted, appears to exceed the statutory requirement with respect to the sending of a dissident proxy circular.

The amendment will confirm that a dissident does not need to send solicitation material to all shareholders. Therefore, the dissident's cost of printing and mailing of the material should be considerably reduced.

No or very limited consultation is required because the proposed change only brings the wording of the Regulation in line with the wording of the Act.

**Legal Authority:** Canada Business Corporations Act, sections 150(1) and 261(1)(a)

**Status:** This is a new initiative.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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IC/95-23-N-L

## Canada Business Corporations Act - Form 24, Instructions - Insider Report

The Instructions to the English version of Form 24 uses the terms "issuer bid" and "debt securities". These terms are not defined in either the Canada Business Corporations Act or the Regulations. These



terms used in the Instructions of Form 24 have been designed to accommodate the use of the form in all jurisdictions in Canada. The provincial securities and corporations legislation use these terms. These terms are generally understood but are not exactly uniform. However, in order to eliminate all possibilities of confusion, it is proposed to include a note setting out the equivalency between the terms "issuer bid" and "take over bid" and also between the terms "debt securities" and "debt obligation".

No alternative to regulation is available because the Instructions of the Canada Business Corporations Forms are an integral part of the Regulations. Additionally, the Standing Joint Committee for the Scrutiny of Regulations have specifically requested this clarification.

The Government will incur costs in reprinting Form 24 and its Instructions. Limited consultation is required because the proposed changes merely clarify some terms.

**Legal Authority:** Canada Business Corporations Act, sections 127 and 261(1)(c), Schedule I, Instructions of Form 24

**Status:** This is a new initiative.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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## **Engineering Programs Branch**

IC/95-24-R-L

### **Interference-Causing Equipment Standards List - Revised Standards**

The Interference-Causing Equipment Standards List prescribes applicable methods of measurement and limits of radio noise emissions from electrical equipment in order to prevent general pollution of the radio spectrum and interference to radiocommunications. Amendments are proposed to list standards that have been revised to bring them into correspondence with current international norms and measurement technology. New standards will be added to the list to address the growing impact of new electronic equipment technology and applications as they are introduced.

Added costs to the manufacturers and importers who are currently compliant will be minimal. Amendments to existing standards should have no significant effect

upon the cost of certification. Furthermore, as manufacturers and importers are already required to ensure that all electrical equipment is unlikely to cause radio interference, new standards will simply refine the means to be used for providing that assurance. Matching these standards, to the maximum extent possible, to world norms will also tend to minimize the overall cost by reducing duplication of effort to satisfy diverse requirements in different countries.

**Legal Authority:** Radiocommunication Act, section 5

**Status:** This is a recurring initiative.

**Contact:** Garth Roberts, Director, EMC Analysis and Consultation, Engineering Programs Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4716; Fax: (613) 952-5108.

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IC/95-25-R-L

### **Radio Standards Specifications - Revised Standards**

Radio Standards Specifications prescribe applicable methods of measurement and limits of the parameters of radiocommunication apparatus necessary to demonstrate their suitability for licensing. Amendments are planned to revise existing standards to facilitate their incorporation by reference under proposed requirements for technical acceptance certification to be incorporated into the ongoing reform of the Radio Regulations initiative.

Added costs to the manufacturers and importers will be minimal as the standards will not differ technically from current requirements but will simply reflect the procedural and administrative changes and terminology necessary to maintain consistency with respect to the new regulations.

**Legal Authority:** Radiocommunication Act, section 5

**Status:** This is a recurring initiative.

**Contact:** Veena Rawat, Director, Spectrum Engineering, Engineering Programs Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4687; Fax: (613) 952-5108.

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IC/95-26-N-I

## **Telecommunication Apparatus Assessment and Testing Fees**

The fees charged for the technical assessment, testing and certification of radio and terminal equipment are periodically reviewed and revised to ensure that departmental costs are recovered. This proposal will adjust the level of fees to reflect current costs of providing these services, in keeping with Government policies on cost recovery.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This is a new initiative.

**Contact:** Robert, Corey, Manager, Engineering Programs Branch (DEB), Industry Canada, 1241 Clyde Avenue, Ottawa, Ontario, K2C 1Y3. Tel.: (613) 990-4030; Fax: (613) 952-1088.

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## **Executive and Program Services Branch**

IC/95-27-O-I

### **Tax Rebate Discounting Act - User Fee Regulation**

Industry Canada intends to recommend to the Governor In Council, in accordance with section 10 of the Tax Rebate Discounting Act (TRDA), to prescribe by regulation fees to be charged for services provided to tax discounters. The fees to be prescribed would be no higher than necessary to recover actual direct costs incurred by the department to deliver the services related to the administration of the Act; particularly, the issuance of discounter codes, information kit, updates and bulletins, master copies of the required forms and consultation and information services.

This initiative is aimed to recover the costs associated with the TRDA program in accordance with the Treasury Board policy on External User Fees and Charges for Goods and Services, which was established to promote equity in financing government activities by shifting more of the burden from taxpayers in general to those who benefit most directly.

No alternative to user fees is being considered other than the status quo, which leaves government to pay the costs associated with this program. However, the department will evaluate other methods, other than the regulatory process, to set the fees, prior to regulating.

Tax discounters have been consulted on implementing the power to set fees included in Section 10 of the TRDA since the Act was amended in 1985. Some discounters have expressed concerns regarding the level of the proposed fees. Although the exact amount has not yet been established, the fees would have an insignificant effect on discounters' profit. Further consultations will be held to determine the level of fees.

The new regulation would not alter the existing requirements of the Act nor the compliance mechanisms provided by the TRDA.

Positive impacts are anticipated for the industry as it would discourage short-lived businesses that are often unwilling to comply with the Act, meanwhile ensuring a better discounting service and protection for consumers.

**Legal Authority:** Tax Rebate Discounting Act, section 10

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-31.

**Contact:** Wilfrid Legouffe, A/Director general, Executive and Program Services, Industry Canada, Place du Portage, Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 953-3630; Fax: (819) 953-2280.

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## **Legal Metrology Branch**

IC/95-28-O-L

### **Electricity and Gas Inspection Regulations - Ongoing Technical Revisions**

A review of the Electricity and Gas Inspection Regulations has identified several anomalies, technical inconsistencies, minor differences in meaning between the english and french versions, and a number of procedural requirements that need amendment to facilitate effective and efficient implementation of the legislation. This proposal will serve to correct the deficiencies identified.

Since these technical amendments will clarify meaning, ensure consistency, and improve operational efficiency, no adverse impact is expected.

**Legal Authority:** Electricity and Gas Inspection Act, section 28

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-25.

**Contact:** H.L. Fraser, Director, Electricity and Gas, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-0635; Fax: (613) 952-5405.

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IC/95-29-R-1

### **Electricity and Gas Inspection Regulations - Demand Meter Inspection - Fee Increase**

This initiative proposes to amend the schedule of meter inspection fees and charges made pursuant to section 47 of the Electricity and Gas Inspection Regulations (EGIR) by increasing the inspection fee for demand meters from \$20 to \$30. This is part of an ongoing program to continue to stimulate utilities and meter-service companies to seriously pursue accreditation (privatization) of demand-meter inspection services. Government inspectors currently provide these services at less than the cost of service.

Utilities that develop high standards of measurement control will be accredited to perform their own demand meter verifications and will thus avoid paying the government fee. Utilities that choose not to be accredited will likely either absorb the fee increase in their rate structure or choose alternative meter inspection programs which provide fee incentives in exchange for high standards of measurement control.

Anticipated revenue from this initiative is estimated at \$750 000 annually. The increased revenue, in the short term, will result in a smaller burden on government expenditure as the percentage of recovered cost rises. However, revenue from this initiative is expected to decline in successive years as more utilities become accredited for demand meter verification.

This initiative is consistent with the federal government's position on user fees that service is to be charged for where users receive a specific benefit and that cost recovery be considered as an objective. This initiative will also substantially improve the effectiveness and efficiency of the EGIR which provide for the accreditation of qualified organizations to perform meter inspection services.

**Legal Authority:** Electricity and Gas Inspection Act, section 28

**Status:** This is a recurring initiative.

**Contact:** H.L. Fraser, Director, Electricity and Gas, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-0635; Fax: (613) 952-5405.

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IC/95-30-O-1

### **Weights and Measures Regulations - Diamonds and Gemstones**

The Weights and Measures Act requires that commodities that are sold on the basis of measurement be accurate within limits of error prescribed by the Weights and Measures Regulations. The Regulations do not currently prescribe limits of error for the measurement of diamonds and gemstones nor for the devices used to weigh or measure these commodities.

The proposed amendments to the Regulations will establish minimum standards for the measurement of diamonds, gemstones and other commodities of comparable value and for the devices used to weigh or measure these commodities.

In collaboration with the Jewellers Vigilance Association of Canada and a working group comprised of other interested industry representatives, Weights and Measures is working to identify current industry practices and to establish minimum standards for the measurement of these types of commodities and the devices used to measure them. Further consultation with clients directly affected by proposed amendments to the Regulations is planned.

The cost of implementation will be minimal. Consumers will benefit from the establishment of minimum standards of accuracy when purchasing diamonds and gemstones. Businesses will benefit as these standards will provide a "level playing field" in a competitive marketplace.

Compliance with these Regulations will be attained through established compliance mechanisms that include inspection of a device before trade use commences and periodically thereafter to ensure that the device measures accurately and is not used in a fraudulent manner, periodic inspection of commodities weighed or measured by the device, and increasingly severe enforcement action to achieve compliance including formal notification, device seizure and detention, and prosecution if necessary and where justified.

**Legal Authority:** Weights and Measures Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-27.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal



IC/95-31-N-L

**Weights and Measures Regulations - Minor and Technical Amendments**

Amendments to the Weights and Measures Regulations are necessary to revoke or revise outdated regulations, acknowledge current administrative practices, recognize advances in device technology and measurement methodologies, address industry concerns, and reduce barriers to trade.

These amendments are minor in nature and their impact will be negligible. They will however, facilitate the overall administration of the Regulations and ensure the maintenance of measurement standards and equity in trade based on measurement. Business and industry will benefit from improved standards that revoke outdated requirements, promote innovative measurement methodologies, and remove technical barriers and impediments to the introduction of new technology.

No consultation other than pre-publication in the *Canada Gazette*, Part I is planned.

These amendments can be adequately enforced by the use of present compliance mechanisms.

**Legal Authority:** Weights and Measures Act

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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IC/95-32-N-L

**Weights and Measures Regulations - Harmonization of Technical Standards**

As part of the essential work necessitated by the Free Trade Agreement, the governments of Canada and the U.S. have agreed to eliminate technical trade barriers.

The proposed introduction of revised technical standards will establish more uniform requirements for weighing devices based on international standards. Requirements will be less prescriptive (performance, rather than design standards) and will reduce barriers which inhibit Canadian competitiveness with our major trading partners.

The introduction of these revised technical standards will require the revision and revocation of certain Weights and Measures Regulations. The cost of implementing amendments to the Regulations will be minimal.

Affected parties will be contacted as part of the consultation for the Specifications for Non Automatic Weighing Devices and during pre-publication of the proposed amendments in the *Canada Gazette*, Part I.

These amendments will have no impact on compliance mechanisms.

**Legal Authority:** Weights and Measures Act

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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IC/95-33-N-I

**Weights and Measures Regulations - Private Sector Accreditation**

Weights and Measures plans to accredit Canadian manufacturers, dealers, importers and private organizations to perform inspection and certification of certain devices before trade use commences. Amendments to the Regulations will be necessary before implementing the accreditation initiative.

The scope of the proposed accreditation initiative is narrow and potentially accredited organizations would draw from a group of participants who are well established and cognizant of Weights and Measures' requirements. Industry representatives will participate as members on a joint government/industry working group. Canadian manufacturers, dealers, importers and private organizations who express an interest in participating in the accreditation program will also be consulted during program development and implementation.

There will be some cost associated with program implementation. However, accredited persons/organizations will benefit from increased efficiencies and utilization of resources, implementation of quality measurement practices realized as a consequence of accreditation, and the elimination of most inspection fees and charges.

The introduction of an accreditation program represents a departure from established compliance mechanisms, but is consistent with the objectives of regulatory reform. Weights and Measures will

monitor the impact of this initiative on device compliance and assess the need for changes in enforcement strategies and methodologies.

**Legal Authority:** Weights and Measures Act

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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IC/95-34-N-L

### **Weights and Measures Regulations - Automatic Temperature Compensation of Petroleum Products**

The Weights and Measures Act and Regulations provide standards of measurement accuracy for liquid meters used in commercial transactions where measurement forms the basis of the transaction. Automatic temperature compensators (ATCs) compensate for the volume of product lost or gained when product is measured at any temperature other than 15°C.

Proposed amendments to the Regulations will require that dealers sell petroleum products either consistently compensated or consistently uncompensated throughout the year.

Major marketers of petroleum products have been advised of Weights and Measures intent to amend the Regulations, and preliminary consultation has begun. Consultation with affected parties will continue throughout the development of these amendments.

Cost of implementation is minimal. Consumers will benefit from the assurance that ATCs are used in a fair and consistent manner. Businesses will benefit from the establishment of a "level playing field" in a competitive marketplace.

These amendments can be adequately enforced by the use of present compliance mechanisms.

**Legal Authority:** Weights and Measures Act

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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IC/95-35-N-I

### **Weights and Measures - Specifications for Non Automatic Weighing Devices**

As part of the essential work necessitated by the Free Trade Agreement, the Governments of Canada and the U.S. have agreed to eliminate technical trade barriers.

The proposed introduction of revised technical standards will establish more uniform requirements for weighing devices based on international standards and those of the United States. There will be some cost associated with the implementation of these requirements. However, device manufacturers, dealers, importers and users will benefit from less prescriptive requirements and a reduction in the barriers which inhibit Canadian competitiveness with our major trading partners. Consumers will benefit from "state of the art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications were developed in conjunction with the U.S. National Institute of Standards and Technology (NIST) and the U.S. Conference on Weights and Measures. Three meetings have been held with Canadian device manufacturers, importers and users of weighing devices to discuss the scope and focus of the initiative in general and the proposed specifications in particular. Extensive consultation with affected parties will continue.

The specifications can be adequately enforced by the use of existing compliance mechanisms that include device type evaluation and approval, inspection of devices before trade use commences and periodically thereafter to ensure that devices measure accurately and are not used in a fraudulent manner, and increasingly severe enforcement action to achieve compliance including formal notification, device seizure and detention, and prosecution if necessary and where justified.

**Legal Authority:** Weights and Measures Regulations, sections 13 and 27

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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## Weights and Measures - Specifications for Metrological Audit Trails

The Weights and Measures Act and Regulations require that provision must be made such that physical seals may be attached to a device to ensure that no alteration, adjustment or repair can be made without breaking the seal. In recent years device manufacturers and users have requested alternatives to a physical seal as a means of securing a device against unauthorized adjustments or fraudulent use. The proposed Specifications for Metrological Audit Trails will provide alternatives to a physical seal.

The specifications were developed in collaboration with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures with the aim of establishing uniform standards. In the U.S., consultation with device manufacturers and industry associations is complete. Consultation with Canadian device manufacturers and industry associations will be conducted throughout 1994.

The cost of implementation is minimal. (For many devices there is no cost associated with the implementation of these specifications.) Device manufacturers and owners will benefit from the establishment of alternative sealing requirements for devices. Consumers will benefit from "state of the art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications do not require a departure from established compliance mechanisms.

**Legal Authority:** Weights and Measures Regulations, section 13

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631.; Fax: (613) 952-1736.

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## Weights and Measures - Specifications for Mass Flow Meters

The Weights and Measures Act and Regulations provide standards for maintaining measurement accuracy of meters used in commercial transactions where measurement forms the basis of the transaction.

The introduction of these specifications will recognize advances in device technology and measurement methodologies. Proposed requirements were developed in collaboration with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures and were made with the aim of maintaining measurement standards and equity in trade based on measurement and minimizing the probability of fraudulent use.

The number of mass flow meter manufacturers is relatively small. There are no known Canadian manufacturers of these devices. Affected parties will be consulted extensively and, if necessary, focus groups will be held to explain the purpose of, and rationale for, these specifications.

There will be some costs associated with the implementation of these specifications. However, device manufacturers and owners will benefit from the establishment of standardized requirements for mass flow meters written in accordance with internationally established standards. Consumers will benefit from "state of the art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications can be adequately enforced by the use of present compliance mechanisms that include device type evaluation and approval, inspection of devices before trade use commences and periodically thereafter to ensure that they measure accurately and are not used in a fraudulent manner, and increasingly severe enforcement action to achieve compliance including formal notification, device seizure and detention, and prosecution if necessary and where justified.

**Legal Authority:** Weights and Measures Regulations, sections 13 and 27

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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## Weights and Measures - Specifications for Multiple Dimension Measuring Devices

The Weights and Measures Act and Regulations provide standards for maintaining measurement accuracy of devices used in commercial transactions where measurement forms the basis of the transaction.



Multiple dimension measuring devices determine the dimensions and/or volume of objects for the purposes of calculating freight, storage or postal charges.

The specifications were developed in collaboration with device manufacturers and users, the U.S. National Institute of Standards and Technology (NIST) and the U.S. Conference on Weights and Measures with the aim of establishing uniform standards.

Business and consumers will benefit from the establishment of a "level playing field", the assurance that an acceptable level of measurement accuracy is maintained, and the knowledge that all requirements have been made with the aim of minimizing the probability of fraudulent use. The costs associated with implementation of these requirements are expected to be minimal.

The specifications can be adequately enforced by the use of present compliance mechanisms that include device type evaluation and approval, inspection of devices before trade use commences and periodically thereafter to ensure that they measure accurately and are not used in a fraudulent manner, and increasingly severe enforcement action to achieve compliance including formal notification, device seizure and detention, and prosecution if necessary and where justified.

**Legal Authority:** Weights and Measures Regulations, sections 13 and 27

**Status:** This is a new initiative.

**Contact:** Coleen M. Burningham, Sr. Program Officer, Program Development, Weights and Measures, Legal Metrology Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-2631; Fax: (613) 952-1736.

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## **Lobbyists Registration Branch**

IC/95-39-N-L

### **Lobbyists Registration - Revisions to Information Disclosure and Electronic Filing Provisions**

The Lobbyists Registration Act requires that individuals who are paid to lobby federal public office holders must register. The Act requires that the forms necessary to register, and the manner in which these forms must be submitted, be prescribed in regulation.

On June 16, 1994, the Government introduced a Bill to amend the Lobbyists Registration Act. The Bill was sent to Committee before second reading. It proposes

increased transparency by requiring lobbyists to disclose more specific information on their activities. As well, the Bill provides for lobbyists to file their returns electronically. Once the legislative process is completed, regulations will be proposed to clarify new information requirements as well as the manner in which these registrations must be submitted.

The proposed regulations will improve transparency of lobbying activity. Electronic filing will facilitate faster access to registry information and reduce paperburdens.

Consultations on draft regulations will be held with a broad base of organizations, associations, and companies, as well as with other interested parties. There will also be a pilot test of the electronic filing system. As well, an information campaign will be undertaken to advise lobbyists of their new obligations under amended legislation and regulations.

The onus of complying with the Act rests on individual lobbyists. The Act provides for severe penalties for not registering or for filing misleading or false information.

**Legal Authority:** Lobbyists Registration Act, R.S.C. 1985, chapter 44 (4th suppl.) as amended

**Status:** This is a new initiative.

**Contact:** Corinne MacLaurin, Director, Lobbyists Registration Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (819) 953-7145; Fax: (819) 953-9247.

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## **Radio Regulatory Branch**

IC/95-40-O-I

### **Licensing of Mobile Satellite Systems**

Mobile satellite systems, which provide a variety of land, maritime and aeronautical mobile services via satellite, are just beginning to be introduced in Canada. Currently, such mobile services, including position location information, are being provided via foreign satellites since no such Canadian satellites exist. Current regulations are ostensibly based on large bandwidth telecommunication satellites and their associated earth stations, such as Telesat Canada's Anik satellites, which deliver telephone, television, data, etc. services throughout Canada.

This review will develop a new regulatory approach that is more in keeping with the nature of these new mobile satellite systems. This review will also focus on

a better way of licensing the mobiles, which communicate with such satellites, with the objective of minimizing the impact of licensing on the end user. Consequently, the radiocommunication regulations will accommodate this new type of satellite and the associated mobile units and will include the radio station licence fees to be levied.

This initiative is likely to have only a minor economic impact on the end user of these new services, while also freeing the end user of the need to hold a licence for the mobile satellite terminal.

**Legal Authority:** Radiocommunication Act, section 6

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-37.

**Contact:** Ronald G. Amero, Manager, Space Services Frequency and Orbit Management, Radio Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-3759; Fax: (613) 952-9871; Internet: ron.amero@crc.doc.ca

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IC/95-41-0-I

## **Reform of the Radio Regulations**

This initiative is the result of a major review of all regulations made under the old Radio Act, in the light of the powers found in the Radiocommunication Act. The object is to replace the four existing sets of regulations with one set of comprehensive regulations in order to simplify the regulations, make them easier to comprehend and to allow the department to react more effectively to the demands of rapidly changing technology.

As a result of the review, the General Radio Regulations Parts I and II, the Interference Causing Equipment Regulations and the Radio Operators' Certificate Regulations will be consolidated into one new set of regulations which will be modern, simple and organized in a manner making them easier to modify and understand. Also, in order to ensure linguistic consistency with the new regulations, there will be consequential amendments to existing standards and to the Schedule of Contraventions under the Contraventions Act. Revisions to a Ministerial order under the Financial Administration Act may also be deemed necessary.

There will be a significant reduction in the number of regulations as a result of the use of incorporation by reference of technical standards and the revocation of unenforceable, redundant and outdated provisions. The new regulations will also facilitate enforcement and the administration of justice.

These amendments should not result in any significant change in revenue generation or implementation costs to the department. In reforming the licence fee structure, every effort is being made to maintain fees at an equitable and reasonable level.

Extensive consultation with representatives of the Canadian radio industry and other interested parties occurred prior to developing new regulations in 1990 to seek advice and comments as to the content of the revised regulations. Subsequent consultations occurred in 1993 to review the proposed regulatory package. An additional opportunity to comment will be provided to stakeholders when the regulations are published in the *Canada Gazette*, Part I.

**Legal Authority:** Radiocommunication Act, section 6

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-38.

**Contact:** Angela Briginshaw, Manager, National and International Regulations, Radio Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-2927; Fax: (613) 993-4433.

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## **Entrepreneurship and Small Business Office**

IC/95-42-0-I

### **Small Business Loans Regulations, 1993 - Amendments**

Minor amendments to the SBL Regulations, 1993 will be proposed to provide technical corrections. A further amendment may be proposed to limit the amount of personal guarantees that a lender may acquire.

Extensive consultations have already taken place on this issue, and are currently ongoing.

**Legal Authority:** Small Business Loans Act, section 7

**Status:** This initiative appeared in the 1994 Regulatory Plan as IC-40.

**Contact:** Gary Bielert, A/Director, Small Business Loans Administration Directorate, Industry Canada, 235 Queen Street, 8th Floor, Ottawa, Ontario, K1A 0H5. Tel.: (613) 954-5547; Fax: (613) 952-0290.

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## Future Initiatives

### Intellectual Property - Fee Changes

As a Special Operating Agency (SOA), CIPPO has been provided with a flexible financial management arrangement in the form of a revolving fund. Over the next five years, CIPPO may need to revise existing fee structures in order to ensure that:

- the financing of activities that provide benefits to specific users is met by those who benefit;
- the obligation to operate the revolving fund on a break-even basis is respected; and
- any costs associated with providing improved service to clients are recovered.

CIPPO is responsible for the fees found within the Copyright Act, Industrial Design Act, Integrated Circuit Topography Act, Patent Act and Trade-marks Act.

The major groups representing CIPPO's clients will be fully consulted throughout any fee change initiative.

**Classification :** Intermediate-cost initiative

**Contact:** Director, Finance and Administration, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase 1, 15th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.  
Tel.: (819) 997-3024; Fax: (819) 997-1890.

### Precious Metals Marking Regulations

Industry and consumer confidence in precious metal articles are closely related to the quality marking requirements on these goods. For Canadian industry to remain competitive at home and abroad, and for harmonization purposes, it would be timely to consider the merit of renewing and amending its regulations. Such a review could consider harmonization of precious metals standards, base metal marking requirements, quality assurance, tolerances and test methods and related matters. Similar work is being reviewed in the United States, the European Community and by the International Organization for Standardization (ISO) which is currently developing precious metals and related jewellery standards.

In this vein, there has been a informal request from a trade association to increase the minimum gold fineness from 9 karat to 10 karat. Given that such a change would be consistent with the minimum fineness in the United States and Mexico it is likely

that a formal request for such a regulatory amendment will be received.

**Classification:** Difficult to determine at this point

**Contact:** Michael Barnes, Program Officer, Consumer Products Branch, Industry Canada, Place du Portage, Phase 1, 50 Victoria Street, Hull, Quebec, K1A 0C9  
Tel.: (819) 953-3648; Fax: (819) 953-2931.

### Textile Labelling and Advertising Regulations, Harmonization under NAFTA

Chapter 9 of NAFTA calls for the harmonization of labelling requirements to facilitate trade in textile and apparel goods between the parties to the NAFTA through the adoption of uniform labelling provisions. The work program will include the following issues:

- pictograms and symbols to replace, where possible, required written information, as well as other methods to reduce the need for labels on the textile and apparel goods in multiple languages;
- care instructions for textile and apparel goods;
- uniform methods acceptable for the attachment of required information to textile and apparel goods; and
- use in the territory of the other Parties of each party's national registration numbers for manufacturers or importers of textile and apparel goods.

Extensive consultation with the industry will be carried out via industry participation on the Canadian delegation and through request for input from textile and apparel associations.

**Classification:** Difficult to determine at this point

**Contact:** Valerie Cosman, Program Officer, Consumer Products Branch, Industry Canada, Place du Portage, Phase 1, 50 Victoria Street, Hull, Quebec, K1A 0C9.  
Tel.: (819) 953-3646; Fax: (819) 953-2931.

### Canada Business Corporations - Electronic Filing and Exemption from Filing

Following amendments to the Canada Business Corporations Act (CBCA), which received Royal Assent on June 23, 1994, it is proposed to make substantive consequential amendments to the Regulations concerning electronic data interchange and the filing of specified notices or documents.

No alternative to regulation is available because subsections 251.1 and 262.1 of the Act themselves require prescribed regulations. In addition, these



CBCA sections will only come into force once the necessary regulations have been proclaimed.

Consultation will take place but it is too early to know in what form. We are at the preliminary stages of the process of developing the regulations.

**Classification:** Intermediate-cost initiative

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-578

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**Canada Business Corporations Act - Insider Trading**

The Ontario Securities Commission (OSC) has proposed refinements to its early warning and insider reporting regimes. To avoid a situation where insiders may be subject to divergent disclosure requirements under the Securities Act (Ontario) and the CBCA, the Directorate may propose to amend Part III of the CBCR dealing with insider trading reporting. This amendment will be entirely dependent on whether the OSC proceeds and how it elects to proceed.

**Legal Authority:** Canada Business Corporations Act, sections 127(1) and 261

**Classification:** Low-cost initiative

**Status:** This is a new initiative.

**Contact:** Guylaine Huot, Regulatory Coordinator, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781.

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**Interference-Causing Equipment Standards**

Electrical equipment of all kinds emit radio noise that can pollute the electromagnetic environment and interfere with radio reception. To continue to protect radio users from interference, Industry Canada intends to prepare updated and new standards for the technical requirements to be followed when manufacturing, importing, selling or using interference-causing equipment.

Alternatives under review are the use of voluntary standards, incorporation by reference of standards established outside the department, or the use of standards established by the Minister. Criteria used in determining the need for and timing of such standards will be based upon the adoption and expansion of new electronic technology, the rate of implementation of

new and expanded radio services, and their compatibility in an increasingly congested electromagnetic environment. This initiative is ongoing.

The department will mainly consult with the Radio Advisory Board of Canada, which represents the Canadian radiocommunications industry. Other stakeholders will be made aware of proposals for new or revised standards through notices in the *Canada Gazette*. The mechanism for implementation of mandatory standards will be, in accordance with the Interference-Causing Equipment Regulations, by their inclusion in the Interference-Causing Equipment List, published in the *Canada Gazette*.

**Classification:** Low cost initiative

**Contact:** Garth Roberts, Director, EMC Analysis and Consultation, Engineering Programs Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4716; Fax: (613) 952-5108.

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**Radio Standards Specifications**

Radio apparatus, technology and systems continue to evolve rapidly. To ensure continuing access to modern, effective means of radiocommunications by Canadian citizens and industry, Industry Canada intends to prepare updated and new standards for the technical requirements to be followed when manufacturing, importing, selling or using radio apparatus. Alternatives under review are the use of voluntary standards, incorporation by reference of standards established outside the department, or the use of standards established by the Minister. Criteria used in determining the need for and timing of such standards will be based upon the evolution of radiocommunication technology, the rate of implementation of new and expanded radio services and the requirements to ensure their mutual compatibility in an increasingly congested electromagnetic environment. This will remain an ongoing initiative.

The department will mainly consult with the Radio Advisory Board of Canada, which represents the Canadian radiocommunications industry. Other stakeholders will be made aware of proposals for new or revised standards through notices in the *Canada Gazette*.

**Classification:** Low cost initiative

**Contact:** Veena Rawat, Director, Spectrum Engineering, Engineering Programs Branch, Industry

Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel.: (613) 990-4687; Fax: (613) 952-5108.

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## **Revision of the External Submarine Cable Regulations**

With the coming into force of the new Telecommunications Act on October 25, 1993, a requirement exists to update and harmonize the External Submarine Cable Regulations which were promulgated under the old Telegraphs Act. Section 22 (2) of the Telecommunications Act specifies the powers of the Governor in Council to make regulations relating to submarine cable licences.

This initiative will provide a review of the relevant regulations and include, inter alia, a review of the procedures governing applications for licences, the conditions attached thereto, the form and class of licences, traffic, fees, and related requirements, for example, environmental assessment requirements, policy issues and initiatives.

This initiative is not expected to have a major economic impact on the end user but could result in a fee structure that would be more in line with the costs of issuing licences.

**Classification:** Intermediate-cost initiative

**Contact:** Pierre Gagné, Director, International Telecommunications, Industry Canada,  
300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel.: (613) 990-4240; Fax: (613) 952-5313.

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## General Information

### Roles and Responsibilities

Justice Canada was established by Act of Parliament in 1868. Its roles and responsibilities reflect the fact that under the Department of Justice Act, the Minister of Justice is also the Attorney General of Canada.

The Attorney General of Canada advises the government "on all matters of law." Consequently, Justice Canada provides legal services to all government departments, including the provision of legal advice, the preparation of legal documents and the drafting of legislation. (Some specialized legal services are provided by other organizations such as the Legal Affairs Bureau of Foreign Affairs and International Trade Canada, the Judge Advocate General and the Bureau of Pensions Advocates under the Minister of Veterans Affairs.)

The Attorney General of Canada regulates and conducts litigation for or against government departments, departmental corporations and Crown corporations that are agents of Her Majesty in right of Canada.

The Minister of Justice is the official legal advisor of the Governor General and the legal member of the Queen's Privy Council for Canada and must see that the administration of public affairs is in accordance with the law. On behalf of the Minister, the department examines all bills introduced by ministers in the House of Commons in order to ascertain whether their provisions are consistent with the Canadian Bill of Rights or the Canadian Charter of Rights and Freedoms. The Privy Council Office Section of the department, on behalf of the Clerk of the Privy Council and the Deputy Minister of Justice, examines most proposed regulations under the Statutory Instruments Act according to criteria set out in that act.

The Minister of Justice superintends all matters connected with the administration of justice in Canada



that are within federal jurisdiction and is also responsible for carrying out other duties assigned by the Governor in Council. Accordingly, Justice Canada plans, develops and implements government policies in such areas as criminal law, family law, extradition, access to information, and privacy and human rights.

## Legislative Mandate

The Minister of Justice is responsible for all or part of the following legislation:

- Access to Information Act
- Annulment of Marriages (Ontario) Act
- Bills of Lading Act
- Canada Evidence Act
- Canada Prize Act
- Canada - United Kingdom Civil and Commercial Judgments Convention Act
- Canadian Bill of Rights
- Canadian Human Rights Act
- Canadian Laws Offshore Application Act
- Commercial Arbitration Act
- Criminal Code
- Crown Liability and Proceedings Act
- Department of Justice Act
- Divorce Act
- Escheats Act
- Expropriation Act
- Extradition Act
- Family Orders and Agreements Enforcement Assistance Act
- Federal Court Act
- Federal Real Property Act
- Foreign Enlistment Act
- Foreign Extraterritorial Measures Act
- Fugitive Offenders Act
- Garnishment, Attachment and Pension Diversion Act
- Identification of Criminals Act
- International Sale of Goods Contracts Convention Act
- Interpretation Act
- Judges Act
- Marriage Act (Prohibited degrees)
- Mutual Legal Assistance in Criminal Matters Act
- Narcotic Control Act
- Official Languages Act
- Official Secrets Act
- Permanent Court of International Justice Act
- Postal Services Interruption Relief Act
- Privacy Act
- Revised Statutes of Canada, 1985 Act
- Security Offences Act
- State Immunity Act

- Statute Revision Act
- Statutory Instruments Act
- Supreme Court Act
- Tax Court of Canada Act
- Tobacco Restraint Act
- United Nations Foreign Arbitral Awards Convention Act
- Young Offenders Act

## Initiatives for 1995

Jus/95-1-R-L

### Access to Information and Privacy Acts: Extending Coverage

The coverage of either the Access to Information Act or the Privacy Act, or of both acts, could be extended to bodies not yet subject to these acts. Newly created government institutions could also be brought under either or both acts. Extending the coverage of the Access to Information Act would enhance openness and accountability because the information held by the entities brought under the Act would be subject to the right of access which the Act confers. Extending the Privacy Act would enhance the privacy of individuals because it would extend the provisions of the Act concerning the collection, retention, use, disclosure and disposal of personal information to the entities brought under the Act. It would also permit individuals to exercise the right of access conferred by the Act with respect to personal information held by the entities about them and to request that this information be corrected. The anticipated impact of this initiative is low.

**Legal Authority:** Access to Information Act, section 3; Privacy Act, section 3

**Status:** This is a recurring initiative.

**Contact:** Elaine Menard, Counsel, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4724; Fax: (613) 941-2002.

Jus/95-2-R-L

### Extending the Privacy Act to Crown Corporations

This initiative will bring wholly owned Crown corporations and their wholly owned subsidiaries under the Privacy Act. The extension of the Act would enhance the privacy of individuals by extending the provisions of the Act concerning the collection,

retention, use, disclosure and disposal of personal information to these entities. It would also permit individuals to exercise the right of access conferred by the Act with respect to personal information held by the entities about them and to request that this information be corrected. The anticipated impact of this initiative is low.

**Legal authority:** Privacy Act, section 3

**Status:** This is a recurring initiative.

**Contact:** Elaine Menard, Counsel, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4724; Fax: (613) 941-2002.

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Jus/95-3-R-L

### **Access to Information and Privacy Regulations: Amendments to Schedules**

The schedules to the Access to Information Regulations and the Privacy Regulations identify specific bodies, investigative bodies and classes of investigations for disclosure and exemption purposes under the Access to Information Act and the Privacy Act. These schedules may require amendment to reflect a new addition or a change in title. The anticipated impact of this initiative is minor.

**Legal Authority:** Privacy Act, sections 8(2)(e), 22 and 23; Access to Information Act, section 16

**Status:** This is a recurring initiative.

**Contact:** Elaine Menard, Counsel, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4724; Fax: (613) 941-2002.

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Jus/95-4-O-L

### **Regulation Establishing a "Safety Zone" Around Marine Installations**

Article 5(2)(b) of the Canadian Laws Offshore Application Act allows the Governor in Council to make regulations determining or prescribing the method of determining a safety zone surrounding any marine installation or structure or artificial island. Federal (and, when in force, provincial or territorial) laws will thus be extended to the safety zones as well as to the installations themselves.

**Legal Authority:** Canadian Laws Offshore Application Act, paragraph 5(2)(b)

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-7.

**Contact:** Thomas-Louis Fortin, Constitutional and International Law Section, Public Law Sector, Justice Canada, Room 610, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4957; Fax: (613) 941-1971.

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Jus/95-5-R-L

### **Statutory Instruments Regulations**

In previous years, various departments have requested amendments to these regulations to provide for the publication of certain statutory instruments and other documents in the *Canada Gazette*, and to provide for the exemption of certain regulations or classes of regulations from the provisions of the Statutory Instruments Act relating to the examination, registration, publication, inspection or procurement of copies of regulations or other statutory instruments. These regulations could well be amended as a result of such requests.

A class of regulations may be exempted from examination, registration and publication where the registration is not practical due to the number of regulations of that class. Regulations or a class of regulations may be exempted from publication: if the limited number of people affected or likely to be affected have been given notice; or where the publication could reasonably be expected to be injurious to the conduct of federal-provincial or international affairs, Canada's allies or associates, the defence of Canada or the detection, prevention or suppression of subversive or hostile activities.

The inspection and copy requirement for certain regulations, classes of regulations, specific statutory instruments or classes of statutory instruments may be precluded where these regulations or instruments have been exempted from publication because they relate to international affairs, defence or subversive or hostile activities. In addition, certain statutory instruments or classes of statutory instruments, other than a regulation, may be precluded where the inspection or making of copies would result in injustice or undue hardship to persons or bodies or in serious and unwarranted detriment to such persons or bodies in the conduct of their affairs.

A second set of editorial changes which follow from the 1985 Statute revision are also proposed. In addition, as a result of recent government reorganizations, these regulations may need to be amended to correct the titles of ministers.

**Legal Authority:** Statutory Instruments Act, section 20

**Status:** This is a recurring initiative.

**Contact:** Alain Prévost, Senior Counsel, Privy Council Office Section, Civil Law and Legislative Services Sector, Justice Canada, Room 624, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-0094; Fax: (613) 941-2322.

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Jus/95-6-O-I

### **Seized Property Management Act Regulations**

The Seized Property Management Act was given Royal Assent on June 23, 1993. Regulations are required to provide for the management of property that is the subject of a seizure, restraint or management order in proceeds of crime and other cases initiated by the Attorney General of Canada. Regulations are also required to provide for the management and disposal of property obtained as a result of forfeitures in cases initiated by the Attorney General of Canada.

Regulations are also required to prescribe the operations of the accounts established in the Act and to provide a form to report the change in location of seized property. Finally, regulations are needed to establish a process to share the proceeds of crime that are forfeited to Her Majesty the Queen in right of Canada with jurisdictions whose law enforcement agencies provided assistance in the investigation that led to the forfeiture. The sharing regulations will provide for the payment of moneys out of the proceeds account established by the Act.

**Legal Authority:** Seized Property Management Act, sections 10 and 11

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-5.

**Contact:** Daniel P. Murphy, Senior Counsel, Office of the National Strategy for Drug Prosecutions, Criminal Law Branch, Litigation Sector, Justice Canada, 4th Floor, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 952-5034; Fax: (613) 957-8412.

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Jus/95-7-O-I

### **Contraventions Act - Ticketing Scheme**

The Contraventions Act (S.C. 1992, c. 47), which establishes a ticketing scheme for minor federal offences, received Royal Assent in October 1992. The Act will come into force on a date to be fixed by Order of the Governor in Council. A regulation in the form

of a Schedule of Offences will designate federal offences as contraventions and establish short-form wordings and set fines for these offences.

Other regulations will prescribe the cost to be awarded in proceedings, ticket forms and other forms for use in administering the Act.

These regulations will establish the working tools for the ticketing scheme.

**Legal Authority:** Contraventions Act, S.C. 1992, chapter 47, sections 8, 86

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-6.

**Contact:** Simon Coakeley, Director of Public Programs, Justice Canada, West Memorial Building, Room 2034, 344 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 998-5669; Fax: (613) 998-1175.

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Jus/95-8-O-L

### **Information Banks**

The purpose of this regulatory initiative is to change the description of the information banks listed in section 3 of the existing regulations under the Family Orders and Agreements Enforcement Assistance Act to reflect the current description of the data banks at Human Resources Development Canada. These regulations will not add or delete information banks.

**Legal Authority:** Family Orders and Agreements Enforcement Assistance Act, section 22

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-9.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Corporate Management Policy and Programs Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

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Jus/95-9-O-L

### **Forms for Interception**

This regulatory initiative is intended to revise the application form in Schedule I (section 5) of the existing regulations to ensure compatibility with the automated systems used by the provincial and territorial authorities and to reflect proposed legislation amendments to the Family Orders and Agreements Enforcement Assistance Act.

The changes are minor in nature and the application form will continue to reflect the requirements of



**Part II of the Family Orders and Agreements Enforcement Assistance Act.**

**Legal Authority:** Family Orders and Agreements Enforcement Assistance Act, section 61

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-10.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Corporate Management Policy and Programs Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

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Jus/95-10-O-M

**Conditions for Holdbacks**

The purpose of this regulatory initiative is to indicate the portion of the garnishable moneys that is to be excluded from garnishment and that remains payable to the debtor. The Family Orders and Agreements Enforcement Assistance Act is currently silent on this issue and the changes will help to provide more equitable treatment of individuals with respect to federal sources of funds. The holdback levels for each fund have yet to be determined.

**Legal Authority:** Family Orders and Agreements Enforcement Assistance Act, section 61

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-11.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Corporate Management Policy and Programs Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

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Jus/95-11-O-L

**Notice of Service of Garnishment**

This regulatory initiative will clarify section 45 of the Family Orders and Agreements Enforcement Assistance Act, which provides that a notice should be sent to debtors where garnishable moneys are or will be paid out. This is a consequential amendment to section 9 of the regulations to provide notice to debtors of the receipt of an application for garnishment and to specify a period of 20 days within which the notice must be sent. Currently the Minister of Justice has 20 days after the date of service of the application to respond to a garnishment summons.

This initiative, which is minor in nature, will also amend Schedule II of the regulations to clarify the

form letter for the debtor as a result of the consequential amendment to section 9.

**Legal Authority:** Family Orders and Agreements Enforcement Assistance Act, section 61

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-12.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Corporate Management Policy and Programs Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

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Jus/95-12-O-L

**Forms for Tracing**

This regulatory initiative is intended to revise the application form in Schedule I (Section 4) of the existing Release of Information for Family Orders and Agreements Enforcement Regulations to ensure compatibility with the automated system used by provincial and territorial authorities.

The changes are minor in nature and the application form will continue to reflect the requirements of Part I of the Family Orders and Agreements Enforcement Assistance Act.

**Legal Authority:** Family Orders and Agreements Enforcement Assistance Act, section 22

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-13.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Corporate Management Policy and Programs Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

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Jus/95-13-R-L

**Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order**

These orders are required to approve various devices and instruments designed to ascertain either the presence or the concentration of alcohol in the blood of a person, and to approve various containers designed to receive a blood sample from a person for analysis. These devices, instruments and containers must be approved by the Attorney General of Canada pursuant to the Criminal Code for the enforcement of the impaired driving provisions.

Approval of new devices, instruments or containers will permit their use by police forces and will increase the purchase options available to police authorities for such equipment.

**Legal Authority:** Criminal Code, section 254

**Status:** This is a recurring initiative.

**Contact:** Catherine Kane, Counsel, Criminal Law Policy Section, Criminal and Social Policy Sector, Justice Canada, Room 716, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4690; Fax: (613) 941-4122.

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Jus/95-14-O-L

### **Amendment of the Schedule Containing the Registration of Divorce Proceeding Form**

The Registration of Divorce Proceeding Form, 1993, is a document that the registrar of the court completes in which an application for divorce has been filed. The court sends it to the Central Registry of Divorce in Ottawa. The information in the form is primarily required to clarify jurisdiction over a divorce proceeding. Data from the form are also used for national divorce statistics and for responding to individual requests respecting a particular divorce.

The Registration of Divorce Proceeding Form was amended pursuant to a Memoranda of Agreement Respecting the Responsibilities of the Government of Canada and the Governments of the Provinces/Territories with Respect to the Central Registry of Divorce Proceedings. The changes to the Form make it easier to process and provide additional information.

The purpose of this regulation is to update the schedule and replace the previous form contained therein with the Regulation of Divorce Proceeding Form, 1993.

**Legal Authority:** Divorce Act; Central Registry of Divorce Proceedings Regulations

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-14.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section Policy Section, Justice Canada, Room 759, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 998-5670; Fax: (613) 998-1175.

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Jus/95-15-O-L

### **Amendment of the Schedule Referred to in Sections 31, 32 and 41 of the Garnishment, Attachment and Pension Diversion Act, Part II, R.S.C. 1985, C. G-2**

The schedule attached to the Garnishment, Attachment and Pension Diversion Act lists those pension benefits, and the statutes that authorize them, that are subject to diversion in order to satisfy financial support orders.

Section 14 of the schedule needs to be repealed as it refers to a pension plan that is no longer in existence and refers to pension benefits payable pursuant to a section of the War Veterans Allowance Act that was revoked in 1985 by the Veterans Appeal Board Act.

**Legal Authority:** Garnishment and Attachment Pension Diversion Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-15.

**Contact:** Glenn Rivard, General Counsel, Family and Youth Law Policy Section, Criminal and Social Policy Sector, Justice Canada, Room 759, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 941-2339; Fax: (613) 941-4122.

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Jus/95-16-O-L

### **Amendment of the Garnishment and Attachment Regulations**

Section 4 of the Garnishment and Attachment Regulations lists the address in each province or territory where documents relating to garnishment proceedings against Her Majesty are to be served.

The current address indicated in the Regulations where documents issued by a court in Alberta are to be sent was effective only until October 30, 1993, as the Edmonton Regional Office moved on that date. The Regulations are being amended, therefore, to substitute the new address for the Edmonton Regional Office.

**Legal Authority:** Garnishment, Attachment and Pension Diversion Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-16.

**Contact:** Glenn Rivard, General Counsel, Family and Youth Law Policy Section, Criminal and Social Policy Sector, Justice Canada, Room 759, 239 Wellington

Jus/95-17-O-I

### **Firearms Regulations (Criminal Code Part III)**

The statutory authority for the firearms regulations is under review, and amendments are anticipated for early 1995. Following the amendment of the statute, a review and revision of the regulations will be undertaken. The revision may include the following changes:

- consolidation of the regulations into a single unified regulation dealing with all aspects of commercial and private activity involving firearms and ammunition;
- general revision of the regulations for internal consistency of language and regulatory standards; and
- the use of user-friendly construction and terminology wherever possible to make the regulations accessible to firearm owners and businesses.

**Legal Authority:** Criminal Code Part III, section 116

**Status:** This initiative appeared in the 1994 Regulatory Plan as JUS-17.

**Contact:** Yvan Roy, Senior General Counsel, Criminal Law Policy Section, Criminal and Social Policy Sector, Justice Canada, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4728;  
Fax: (613) 941-4122.

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Jus/95-18-R-I

### **Firearms Regulations (Prohibited and Restricted Weapons Orders)**

Orders in council declaring firearms, weapons and other devices to be "prohibited weapons" or "restricted weapons" pursuant to Criminal Code subsection 84(1) are subject to ongoing review. Further additions or other changes may be made in the future.

**Legal Authority:** Criminal Code Part III, subsection 84(1)

**Status:** This is a recurring initiative.

**Contact:** Yvan Roy, Senior General Counsel, Criminal Law Policy Section, Criminal and Social Policy Sector, Justice Canada, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4728;  
Fax: (613) 941-4122.

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## **Future initiatives**

### **Child Support Formula**

The child support formula will be described in the Divorce Act and presented in regulations.

**Classification:** Intermediate-cost initiative

**Contact:** Murielle Brazeau, Legal Counsel, Family, Children and Youth Section, Criminal and Social Policy Sector, Justice Canada, 239 Wellington Street, Room 758, Ottawa, Ontario, K1A 9H8.  
Tel.: (613) 941-2334; Fax: (613) 941-4122.

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### **Amendment of Access to Information Act and Privacy Act**

The objective of this initiative is to amend the Access to Information Act and the Privacy Act to allow for more open government.

**Classification:** Intermediate-cost initiative

**Contact:** Head, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4624;  
Fax: (613) 941-2002.

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## General Information

### Roles and Responsibilities

The Minister of National Defence has the control and management of the Canadian Forces and of all matters relating to national defence. The Minister is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada; and research relating to the defence of Canada and to the development and improvements of material.

The Minister is also responsible for Emergency Preparedness Canada (EPC). EPC's mandate is to advance civil preparedness in Canada for all types of emergencies (including public welfare, public order, international and war emergencies as defined in the Emergencies Act) by facilitating and coordinating, at the federal level and in cooperation with provincial and foreign governments and international organizations, the development and implementation of civil emergency plans.

### Legislative Mandate

The Minister of National Defence is responsible for the administration of the following Acts:

- Aeronautics Act, with respect to any matter relating to defence
- Army Benevolent Act
- Canadian Forces Superannuation Act
- Defence Services Pension Continuation Act
- Emergencies Act
- Emergency Preparedness Act
- Garnishment, Attachment and Pension Diversion Act, with respect to members of the Canadian

Forces and employees of the Department of National Defence

- National Defence Act
- Visiting Forces Act

In addition, National Defence administers, under the general direction of the Chief Electoral Officer, the Special Voting Rules (Schedule II to the Canada Elections Act) as they relate to Canadian Forces electors.

## Initiatives for 1995

ND/95-1-O-1

### Comox Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to or in the vicinity of the airport.

These Regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

**Legal Authority:** Aeronautics Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as ND-1.

**Contact:** Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive, (9 CBN), Ottawa, Ontario, K1A 0K2.  
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/95-2-O-1

### Moose Jaw Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to or in the vicinity of the airport.

These Regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on

society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

**Legal Authority:** Aeronautics Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as ND-2.

**Contact:** Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive, (9CBN), Ottawa, Ontario, K1A 0K2.  
Tel.: (613) 945-7746; Fax: (613) 992-9422.

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ND/95-3-R-I

### **Orders in Council Pursuant to Paragraphs 9(c) and 9(d) of the Emergency Preparedness Act**

These new Orders will be promulgated as required for provincial emergencies when provinces request the assistance of the federal government. The Emergency Preparedness Act requires that an Order or Regulation be made to declare such an emergency to be of concern to the federal government and to authorize the provision of financial assistance. Such assistance, where authorized, will be provided in accordance with arrangements established by the Cabinet in 1970 (Disaster Financial Assistance arrangements) and subject to the approval of the Treasury Board.

**Legal Authority:** Emergency Preparedness Act

**Status:** This is a recurring initiative.

**Contact:** Dave Peters, Director General of Readiness and Operations, National Defence Headquarters, Jackson Bldg., Ottawa, Ontario, K1A 0K2.  
Tel.: (613) 991-7032; Fax: (613) 996-0995.

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ND/95-4-O-L

### **Canadian Forces Superannuation Regulations**

This regulatory initiative combines the Canadian Forces Superannuation Account and the Supplementary Retirement Benefits Account into a single account to be referred to as the Superannuation Account. These accounts were combined as a result of the passage of Bill C-55 which amended the Canadian Forces Superannuation Act.

These regulatory changes include provisions for the recovery of overpayment of supplementary benefits and include other references, where appropriate, to the Canadian Forces Superannuation Account.

**Legal Authority:** Canadian Forces Superannuation Act

**Status:** This initiative is related to the initiative that appeared in the 1994 Regulatory Plan as ND-4.

**Contact:** Clive Horne, Staff Officer, Directorate of Compensation and Benefits Administration, National Defence Headquarters, Ottawa, Ontario, K1A 0K2.  
Tel.: (613) 996-3062.

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# General Information

## Roles and Responsibilities

Natural Resources Canada (NRCan) is a scientific and economic department concerned primarily with Canada's landmass and with promoting sustainable development and responsible use of Canada's mineral, energy and forestry resources.

The department has a number of priorities: the department's responsiveness and accountability to the Canadian public; development of client industries and enhancement of their international competitiveness; sustainable development of forest, energy, minerals and metals activities; coordination of national forest, energy, minerals and metals policy; maintenance and enhancement of environmental quality; the health and safety of those associated with the mineral, energy and forestry industries; the security of supply of mineral and energy commodities; and Canada's sovereignty.

## Legislative Mandate

The department's mandate is based on the Department of Energy, Mines and Resources Act, the Department of Forestry Act, the Resources and Technical Surveys Act, the Forestry Act, the Canada Explosives Act, and other acts and regulations governing the management of the Public Service. All relevant acts administered in whole or in part by NRCan are as follows:

- Arctic Waters Pollution Prevention Act
- Atomic Energy Control Act
- Canada Lands Surveys Act
- Canada-Newfoundland Atlantic Accord Implementation Act
- Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act
- Canada Oil and Gas Operations Act
- Canada Petroleum Resources Act
- Canadian Exploration and Development Incentive Program Act
- Canadian Exploration Incentive Program Act
- Canadian Home Insulation Program Act
- Canadian Ownership and Control Determination Act
- Cooperative Energy Act
- Department of Energy, Mines and Resources Act
- Department of Forestry Act
- Energy Administration Act
- Energy Efficiency Act
- Energy Monitoring Act
- Energy Supplies Emergency Act

- Explosives Act
- Forestry Act
- Hibernia Development Project Act
- Home Insulation (NS and PEI) Program Act
- International Boundary Commission Act
- National Energy Board Act
- Nuclear Liability Act
- Oil Substitution and Conservation Act
- Petroleum Incentives Program Act
- Provincial Boundaries Acts (as listed in the Table of Public Statutes, *Canada Gazette, Part III*)
- Resources and Technical Surveys Act

## Initiatives for 1995

NRCan/95-1-O-I

### Newfoundland Offshore Area Petroleum Installations

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the exploration for, and development and production of, oil and gas. In addition, it allows for regulation of the safety aspects of oil and gas activity.

The proposed regulations will ensure that the various components that are part of the design, construction, installation and operation of an installation will function according to specification, thereby ensuring safety of personnel, protection of the environment and resource conservation. The proposed regulations will be, to the extent enabling legislation permits, identical to the Canada Oil and Gas Installations Regulations. The petroleum industry already adheres to the design and operating principles set out in the draft Canada Oil and Gas Installations Regulations.

With the exception of certain provisions imposing more rigorous standards due to the exceptional environmental conditions found in the Newfoundland offshore area, the performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-2.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources

Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-2-O-I

### **Nova Scotia Offshore Area Petroleum Installations**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the exploration for, and development and production of, oil and gas. In addition, it allows for regulation of safety aspects of oil and gas activity.

The proposed regulations will ensure that the various components that are part of the design, construction, installation and operation of an installation will function according to specification, thereby ensuring safety of personnel, protection of the environment and resource conservation. The proposed regulations will be, to the extent the enabling legislation permits, identical to the Canada Oil and Gas Installations Regulations and the Newfoundland Offshore Petroleum Installations Regulations. The petroleum industry already adheres to the design and operating principles set out in the draft Canada Oil and Gas Installations Regulations.

With the exception of certain provisions imposing more rigorous standards due to the exceptional environmental conditions found in the Nova Scotia offshore area, performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-3.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-3-O-I

### **Petroleum Occupational Safety and Health - Newfoundland**

The Canada-Newfoundland Atlantic Accord Implementation Act excludes the application of Part IV of the Canada Labour Code. Consequently, it is necessary to develop a separate set of regulations in

respect of the safety and inspection of all petroleum operations in the Newfoundland offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under the authority of Part IV of the Canada Labour Code.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations under the Canada Labour Code to ensure consistency in safety standards in all petroleum operations across Canada. Both the Canadian Petroleum Association and the Independent Petroleum Association of Canada were actively involved in the drafting and review of the Labour Code Oil and Gas OSH Regulations.

The promulgation of these regulations in the Newfoundland offshore area will have no additional impact on the industry.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-4.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-4-O-I

### **Petroleum Occupational Safety and Health - Nova Scotia**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act excludes the application of Part IV of the Canada Labour Code. Consequently, it is necessary to develop a separate set of regulations in respect of the safety and inspection of all petroleum operations in the Nova Scotia offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under the authority of Part IV of the Canada Labour Code.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations under the Canada Labour Code to ensure consistency in safety standards in all petroleum operations across Canada. Both the Canadian Petroleum Association and the Independent Petroleum Association of Canada were actively involved in the drafting and review of the Labour Code Oil and Gas OSH Regulations.

The promulgation of these regulations in the Nova Scotia offshore area will have no additional impact on the industry.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-5.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-5-O-I

### **Newfoundland Certificate of Fitness**

The Canada-Newfoundland Atlantic Accord Implementation Act authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances in the petroleum industry. In order to ensure that these standards have been met by the petroleum industry in relation to offshore installations and structures, an independent third party known as a certifying authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Newfoundland Certificate of Fitness issued by the certifying authority.

The proposed Newfoundland Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for certificates of fitness will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-10.

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NRCan/95-6-O-I

### **Nova Scotia Certificate of Fitness**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances in the petroleum industry. In order to ensure that these standards have been met by the petroleum industry in relation to offshore installations and structures, an independent third party known as a certifying authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Nova Scotia Certificate of Fitness issued by the certifying authority.

The proposed Nova Scotia Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for certificates of fitness will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-11.

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NRCan/95-7-O-L

### **Newfoundland Offshore Area Petroleum Drilling - Amendments**

These regulations are based on similar federal regulations first promulgated in 1979. They set out regulatory requirements that operators must follow if they wish to undertake drilling operations in the Newfoundland offshore area. When the Newfoundland Certificate of Fitness Regulations come into effect, it will be necessary to amend the Newfoundland Offshore Petroleum Drilling Regulations in order to reference the certificate of



fitness requirements as part of the approval process. There will be no significant impact on the petroleum industry.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-14.

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NRCan/95-8-O-L

### **Nova Scotia Offshore Area Petroleum Drilling - Amendments**

These regulations are based on similar federal regulations first promulgated in 1979. They set out regulatory requirements that operators must follow if they wish to undertake drilling operations in the Nova Scotia offshore area. When the Nova Scotia Certificate of Fitness Regulations come into effect, it will be necessary to amend the Nova Scotia Offshore Petroleum Drilling Regulations in order to reference the certificate of fitness requirements as part of the approval process. There will be no significant impact on the petroleum industry.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-15.

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NRCan/95-9-O-L

### **Newfoundland Offshore Area Petroleum Diving - Amendments**

These regulations, based on similar federal regulations, establish the regulatory requirements that operators must follow if they wish to undertake diving operations in the Newfoundland offshore area.

When the Newfoundland Certificate of Fitness Regulations come into effect, it will be necessary to amend the Newfoundland Offshore Oil and Gas Diving Regulations in order to reference the certificate of fitness requirements.

These regulations will also be amended to relieve the Canada-Newfoundland Offshore Petroleum Board of technical and administrative decisions concerning diving activities. Responsibility for these decisions could be conferred on the Chief Safety Officer or Chief Conservation Officer. No significant impact is expected as a result of this initiative.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-17.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-10-O-L

### **Nova Scotia Offshore Area Petroleum Diving**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations concerning the safety and inspection of all operations, including diving, conducted in connection with the exploration, drilling and production of oil and gas.

The proposed regulations, which will be identical to the Canada Oil and Gas Diving Regulations and the Newfoundland Offshore Area Oil and Gas Diving Regulations in respect of technical standards and criteria, will establish a comprehensive regulatory regime necessary to ensure the safety of individuals engaged in diving operations in the Nova Scotia offshore area.

As these proposed regulations impose the same standards as those found in the Canada Oil and Gas Diving Regulations and the Newfoundland Offshore Area Petroleum Diving Regulations, there will be no incremental impact on the petroleum industry.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-18.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-11-O-L

## **Nova Scotia Offshore Area Petroleum Diving - Amendments**

These regulations, based on similar federal regulations, establish the regulatory requirements that operators must follow if they wish to undertake diving operations in the Nova Scotia offshore area.

When the Nova Scotia Certificate of Fitness Regulations come into effect, it will be necessary to amend the Nova Scotia Offshore Petroleum Diving Regulations in order to reference the certificate of fitness requirements. No significant impact is expected as a result of this initiative.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-19.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
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NRCan/95-12-O-L

## **Newfoundland Offshore Area Petroleum Production and Conservation**

These regulations establish the minimum requirements for all persons engaged in the development and production of oil and gas in the Newfoundland offshore area. The regulations are concerned with requirements for approvals and authorizations and with data requirements at the development and operations stages, when a field is in production. Requirements with regard to conservation of resources, metering and testing of fluids produced from and injected into a well, design and construction of oil and gas processing facilities, production operations, environmental protection, safety and training of personnel, and the reporting to the government of production, environmental and safety data are also specified in the regulations.

As these proposed regulations impose the same standards as those found in the Canada Oil and Gas Production and Conservation Regulations, which the petroleum industry has complied with since 1990, there will be no incremental impact on the petroleum industry.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-20.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
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NRCan/95-13-O-L

## **Nova Scotia Offshore Area Petroleum Production and Conservation**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations undertaken for the production of oil and gas.

The proposed regulations will provide specifically for the authorization, regulation and safety of production operations in the Nova Scotia offshore area and are similar to the Canada Oil and Gas Production and Conservation Regulations and the Newfoundland Offshore Petroleum Production and Conservation Regulations. Production operations and conservation practices will not be affected when these regulations are promulgated, as the petroleum industry has been complying with the Canada Oil and Gas Production and Conservation Regulations since 1990.

The regulations will not generate additional financial costs but will have a positive impact by creating certainty for industry and establishing criteria for development and production.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-21.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
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NRCan/95-14-O-I

## **Frontier Lands Division and Minimum Area**

The relevant portions of the existing Canada Oil and Gas Land Regulations dealing with land division and survey were prepared on the basis of the 1927 North American Datum pursuant to the Territorial Lands Act and the Public Lands Grants Act.

With the creation of a new satellite survey system, North American Datum (NAD) 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater accuracy that new surveying methods will provide.

**Legal Authority:** Canada Petroleum Resources Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-22. The initiative is the same as INAC/95-24.

**Contact:** H. Dabaghi, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan/95-15-O-I

### **Newfoundland Offshore Area Division and Minimum Area**

These proposed regulations, pursuant to the Canada-Newfoundland Atlantic Accord Implementation Act, will reflect a new satellite survey system, North American Datum (NAD) 1983.

The proposed regulations will be, to the extent the enabling legislation permits, identical to the Frontier Lands Division and Minimum Area Regulations. The industry is in favour of new surveying methods that will provide a greater degree of accuracy.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-23.

**Contact:** H. Dabaghi, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan/95-16-O-I

### **Nova Scotia Offshore Area Division and Minimum Area**

These proposed regulations, pursuant to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, will reflect a new satellite survey system, North American Datum (NAD) 1983.

The proposed regulations will be, to the extent the enabling legislation permits, identical to the Frontier Lands Division and Minimum Area Regulations and the Newfoundland Offshore Area Division and Minimum Area Regulations. The industry is in favour of new surveying methods that will provide a greater degree of accuracy.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-24.

**Contact:** H. Dabaghi, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan/95-17-O-I

### **Nova Scotia Offshore Area Petroleum Spills and Debris Liability**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act imposes absolute liability, up to "an applicable limit," on an operator for any actual damages incurred as a result of a spill or debris in the area where operations are being conducted. The "applicable limits" are to be prescribed by regulations. Any loss or damage in excess of the applicable limit must be proven in court, including the cause of, liability for and of this loss or damage. The proposed regulations will prescribe the applicable limits of absolute liability for the Nova Scotia offshore area.

As these proposed regulations impose the same absolute liability limit as the Canada Oil and Gas Spills and Liability Regulations and the Newfoundland Offshore Area Petroleum Spills and Debris Liability Regulations, there will be no incremental impact on the petroleum industry.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-25.

**Contact:** T. Shanks, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 992-8286; Fax: (613) 943-2274.

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NRCan/95-18-O-L

## **Frontier Lands Registration - Amendments**

The Canada Petroleum Resources Act allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances. The regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information. The proposed amendments will ensure that the English and French versions are equivalent and will streamline the operation of the registry system.

The petroleum industry is already complying with the regulations. The amendments will have no negative impact; rather, they will make it easier for industry to comply with the regulations.

**Legal Authority:** Canada Petroleum Resources Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-27. This initiative is the same as INAC/95-25.

**Contact:** H. Dabaghi, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan/95-19-O-L

## **Newfoundland Offshore Area Registration - Amendments**

The Canada-Newfoundland Atlantic Accord Implementation Act allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances.

The regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information. The proposed amendments will ensure that the English and French versions are equivalent and will streamline the operation of the registry system.

The petroleum industry is already complying with the regulations. The amendment will have no negative impact.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-28.

**Contact:** H. Dabaghi, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan/95-20-O-L

## **Nova Scotia Offshore Area Registration**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances.

The regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information. The proposed amendments will ensure that the English and French versions are equivalent and will streamline the operation of the registry system.

The proposed regulations should promote a degree of confidence and security within both the petroleum industry and financial institutions, as these sectors will now be able to register their documents and receive the statutory protection afforded by such a system.

**Legal Authority:** Canada-Nova Scotia Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-29.

**Contact:** H. Dabaghi, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan-21-O-I

## **Newfoundland Offshore Area Petroleum Operations - Amendments**

These regulations were first promulgated in June 1988, under the Canada-Newfoundland Atlantic Accord Implementation Act. They set out conditions for obtaining an operating licence and authorization for exploratory or development work, and for reporting an oil spill in the Newfoundland offshore.

The proposed amendments will increase the fee associated with obtaining a licence, presently set at \$25. The increase in fee will depend on the type of operation carried out. This fee would cover the costs required to issue such licences and authorizations. Since the amendments propose an increase in the fee

associated with obtaining an operating licence, there will be a minimal financial cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This proposal appeared in the 1994 Regulatory Plan as NRCan-31.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-22-O-I

### **Nova Scotia Offshore Area Petroleum Operations**

These regulations are based on similar federal regulations that were first promulgated in 1983. The Operations Regulations spell out requirements for obtaining an operating licence and authorization for exploratory or development work, and for reporting an oil spill.

These regulations will reflect amendments proposed to the Canada Oil and Gas Operations Regulations and the Newfoundland Offshore Area Petroleum Operations Regulations.

Since the proposed regulations provide a graduated system for fees associated with obtaining an operating licence, there will be a minimal cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This proposal appeared in the 1994 Regulatory Plan as NRCan-32.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-23-O-L

### **Environmental Studies Research Fund Regions - Amendments**

The Canada Petroleum Resources Act requires regions to be prescribed in regulations for the imposition of levies. These levies are used to fund environmental studies. Due to the moratorium on Georges Bank and the resolution of the international boundary dispute

between Canada and France over St. Pierre and Miquelon, it is necessary to redefine some of the 31 regions presently defined in the regulations.

These amendments would exclude Georges Bank and the settled international boundary resolution from levies. Therefore, industry would no longer be required to pay levies in these areas.

**Legal Authority:** Canada Petroleum Resources Act

**Status:** This proposal appeared in the 1994 Regulatory Plan as NRCan-33.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-24-O-I

### **Newfoundland Offshore Area Installation Manager**

The Canada-Newfoundland Atlantic Accord Implementation Act requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands in that only qualified and certified personnel will be allowed to be installation managers.

Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. This requirement will result in additional costs to industry.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-35.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-25-O-I

### **Nova Scotia Offshore Area Installation Manager**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell

out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands in that only qualified and certified personnel will be allowed to be installation managers.

Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. This requirement will result in additional costs to industry.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-36.

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

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NRCan/95-26-O-I

### **Newfoundland Oil and Gas Spill and Debris Liability - Amendments**

The Canada-Newfoundland Atlantic Accord Implementation Act imposes absolute liability, up to "an applicable limit," on an operator for any actual damages incurred as a result of a spill or debris in the area where oil and gas operations are being conducted. Any loss or damage in excess of the applicable limit must be proven in court, including the cause of, liability for and amount of this loss or damage. The proposed amendments will review the applicability of absolute liability and the associated limits of liability that may be prescribed under the Act. The impact of the proposed amendments will be subject to the outcome of the consultations with stakeholders.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-38.

**Contact:** T. Shanks, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 992-8286; Fax: (613) 943-2274.

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NRCan/95-27-O-L

### **Newfoundland Environmental Assessment**

The purpose of this regulation is to designate the Canada-Newfoundland Offshore Petroleum Board a

federal authority under the Canadian Environmental Assessment Act (CEAA). This will ensure that the Board assesses the environmental effects of projects requiring its decisions, under the conditions of the CEAA.

The CEAA will replace the terms and conditions of the Environmental Assessment and Review Process (EARP) Guidelines Order, now followed by the Board for the purpose of environmental assessment. There is expected to be no significant incremental impact on the petroleum industry.

**Legal Authority:** Canada-Newfoundland Atlantic Accord Implementation Act; Canadian Environmental Assessment Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-39.

**Contact:** T. Shanks, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 992-8286; Fax: (613) 943-2274.

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NRCan/95-28-O-L

### **Nova Scotia Environmental Assessment**

The purpose of this regulation is to designate the Canada-Nova Scotia Offshore Petroleum Board a federal authority under the Canadian Environmental Assessment Act (CEAA). This will ensure that the Board assesses the environmental effects of projects requiring its decisions, under the conditions of the CEAA.

The CEAA will replace the terms and conditions of the Environmental Assessment and Review Process (EARP) Guidelines Order, now followed by the Board for the purpose of environmental assessment. There is expected to be no significant incremental impact on the petroleum industry.

**Legal Authority:** Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act; Canadian Environmental Assessment Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-40.

**Contact:** T. Shanks, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 992-8286; Fax: (613) 943-2274.

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NRCan/95-29-O-L

## **Canada Oil and Gas Land - Amendments**

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands, which was used extensively until the early 1980s. Canadian ownership requirements in these regulations will be revoked to ensure consistency with oil and gas legislation.

As these regulations have been in place for many years, the oil and gas industry is familiar with them. The proposed amendment will have a positive impact.

**Legal Authority:** Territorial Lands Act; Federal Real Property Act

**Status:** This initiative appeared in the 1994 Regulatory plan as NRCan-41. This initiative is the same as INAC/95-23.

**Contact:** H. Dabaghi, Senior Advisor, Land Management and Revenues, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

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NRCan/95-30-O-L

## **Energy Monitoring**

The amendments to the Energy Monitoring Regulations (SOR/83-172) are necessary to bring the promulgated Petroleum Monitoring Survey Questionnaire up to date with the questionnaire used for the annual 1993 survey. Certain changes to sections of the Regulations will eliminate the current necessity to amend the Regulations twice yearly.

Under the current arrangements, in addition to the information related to the income statement, balance sheet, capital expenditures and energy commodity production, the tax-related information schedule must be promulgated for the survey of the first half of the year meanwhile, for the survey of the full year's results, the tax-related information schedule is revoked, and the other schedules are repromulgated. The survey of the first half of the year will be simplified by eliminating the detailed survey of financial results during that period, and replacing it with "mini-surveys" of first-half results.

After promulgation of these amendments, it will be necessary to promulgate amendments only when the data requirements of government and industry or the regulatory/fiscal environment change.

**Legal Authority:** Energy Monitoring Act, R.S.C. 1985, chapter E-8

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-42.

**Contact:** D.G. Smithers, Chief, Petroleum Monitoring and Energy Statistics Division, Energy Sector, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 992-6803; Fax: (613) 992-3187.

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NRCan/95-31-O-I

## **Energy Efficiency Standards**

The Energy Efficiency Regulations (scheduled for final publication in 1994-95) establish national minimum energy efficiency performance standards for prescribed equipment imported into Canada or traded interprovincially. Natural Resources Canada proposes to expand the range of products and to increase the levels for some products over and above those prescribed in the Energy Efficiency Regulations.

Products that could be affected by these regulations include ground and water source heat pumps, split-system furnaces, oil-fired boilers, gas-fired boilers, package terminal air conditioners and heat pumps, room air dehumidifiers, incandescent PAR lamps, fluorescent lamps, and three phase central air conditioners and heat pumps. The final set of regulations will reflect extensive consultations on this proposal. This initiative will be implemented in coordination with the provinces.

Removing the most inefficient energy-using products from the market will help moderate the growth in demand for energy, which will have environmental benefits. After consultation with provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties, the department will establish these regulations in accordance with Canada's trade obligations and with a view to minimizing the cost to industry and consumers.

**Legal Authority:** Energy Efficiency Act, sections 20 and 25

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCan-43.

**Contact:** Pat Martin, Senior Policy Analyst, Efficiency and Alternative Energy Branch, Energy Sector, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 943-2396; Fax: (613) 947-4120.

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**EnerGuide**

The Energy Efficiency Regulations (scheduled for final publication in 1994-95), which will continue the EnerGuide Program, will provide consumers with information on the energy requirements of refrigerators, freezers, ranges and ovens, dishwashers, clothes washer, clothes dryers and room air conditioners through the energy labelling of these electrical products and through the publication of a directory containing these data. Natural Resources Canada proposes to expand the number of products that are required to display the EnerGuide label. Products that could be affected by these regulations include vented decorative gas appliances (gas fireplaces), electric water heaters and dehumidifiers. The final set of regulations will reflect extensive consultations on this proposal.

Consumers will benefit by having information on energy use for a wider range of products. Manufacturers of newly affected products will need to provide the appropriate reports. Consumers will therefore receive greater assistance in product selection. Manufacturers may also need to arrange for product testing. By supporting the purchase of more energy-efficient products, the program will reduce Canadian energy demand and have environmental benefits.

**Legal Authority:** Energy Efficiency Act, sections 20 and 25

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCAN-44.

**Contact:** Pat Martin, Senior Policy Analyst, Efficiency and Alternative Energy Branch, Energy Sector, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 943-2396; Fax: (613) 947-4120.

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**Modernization of Explosives Regulations**

The Explosives Regulations are currently being modernized and restructured, with the help of plain language drafting techniques, to better address safety in today's explosives marketplace.

The Explosives Regulations, in this first phase of modernization, will be purged of provisions that are no longer required. New non-contentious regulations will be introduced that better address current technology and industrial practices. Finally, the Canadian classification system for explosives will be

replaced with the United Nations system, and licence, permit and certificate fees will be increased. This overhaul of the present explosives regulatory system is needed because the system is outdated in language and content and lacks clarity and organization.

Other than increasing the fees associated with the licensing system, which are in support of cost recovery, this initiative will impose a minimal financial burden on the public. In return, the public will enjoy the benefits of a state-of-the-art regulatory system that will be easy to use and understand.

**Legal Authority:** Explosives Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as NRCAN-45.

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-8995; Fax: (613) 995-0480.

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**Lands Surveys Tariff**

This tariff sets fees to be charged for copies of maps, plans, field notes and other records or documents related to surveys under the Canada Lands Surveys Act. The intent of this initiative is to amend fees to reflect the present cost of materials and to provide for a charge for services.

Amending the fees for products should have minimal impact. The department is currently charging fees that reflect the cost of production. Increases in fees will be in proportion to increases in production costs.

A study under way within the department may result in fees being charged for survey-related services. It is expected that these fees will be based on the complexity and the size of a survey, and would be a relatively small percentage of the total survey cost.

**Legal Authority:** Canada Lands Surveys Act, section 4

**Status:** This initiative appeared in the 1993 Regulatory plan as EMR-3.

**Contact:** A.M. MacLeod, Chief, Survey Regulation, Legal Surveys Division, Canada Centre for Surveying, Natural Resources Canada, 615 Booth Street, Ottawa, Ontario, K1A 0E9. Tel.: (613) 995-4572; Fax: (613) 995-9191.

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## **Canada Lands Surveyors Act and Regulations**

A Canada Lands Surveyors Act is proposed to establish the Association of Canada Lands Surveyors as a self-governing association under federal jurisdiction and to assign to it the control of the standards of qualification, knowledge, skill, conduct and practice for Canada Lands Surveyors. The proposed Canada Lands Surveyors Act will supplant certain provisions of the Canada Lands Surveys Act, which governs surveys of Canada Lands.

The proposed Canada Lands Surveyors Act will provide authority to the Governor in Council to make regulations respecting the following: membership in the governing body of the Association; the composition of committees; the academic qualifications, experience and financial requirements necessary for the issuance and maintenance of a commission as a Canada Lands Surveyor; a survey review process to ensure the maintenance of standards; a code of ethics; member charges; and any other matter required to carry out the intent and purposes of the proposed act. Regulations will be introduced once the proposed act has been finalized.

**Legal Authority:** Canada Lands Surveyors Act (proposed)

**Status:** This is a new initiative.

**Contact:** A.M. MacLeod, Chief, Survey Regulation, Legal Surveys Division, Canada Centre for Surveying, Natural Resources Canada, 615 Booth Street, Ottawa, Ontario, K1A 0E9. Tel.: (613) 995-4572; Fax: (613) 995-9191.

## **Natural Resources Canada Services and Facilities Fees and Charges Orders**

These orders will prescribe fees to be charged for certain departmental services and the use of certain departmental facilities. The orders will contain both existing fees and fees for new departmental services and facilities.

**Legal Authority:** Financial Administration Act, paragraph 19(1)(b)

**Status:** This is a new initiative.

**Contact:** R.H. (Bob) Potvin, Senior Analyst, Corporate Planning and Executive Services, Executive Coordination Branch, Natural Resources Canada,

## **Future Initiatives**

### **Modernization of Explosives Regulations - Phase II**

The second phase of explosives regulatory modernization will be initiated toward the end of 1995, once the first phase has been completed.

This second phase will address outstanding issues from the first phase, as well as new issues that are more contentious and are expected to require more consultation.

Preliminary consultation on phase two issues will be conducted at the same time as the formal phase one consultation during the middle months of 1995. Further consultation will involve the publication of the results of this preliminary consultation in the *Explosives and Pyrotechnics News*. Other stakeholders will be informed through prepublication in the *Canada Gazette*.

**Classification:** Low-cost initiative

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel: (613) 995-8995; Fax: (613) 995-0480.

### **Amendments to the Canada Oil and Gas Drilling Regulations**

These regulations were first promulgated in 1979. They set out requirements for drilling operations. Since the promulgation of these regulations, several other regulations that affect drilling operations have come into force. In order to avoid redundancy and conflict of requirements, a major review of the regulations is required. In addition, some of the technical requirements have to be updated due to evolution in the drilling industry.

**Classification:** Low-cost initiative

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.



## **Oil Based Drilling Mud and Waste Treatment Regulations**

The limits on the use of oil-based drilling muds and the treatment of wastes resulting from frontier lands oil and gas operations were imposed through two sets of guidelines: the 1985 Canada Oil and Gas Lands Administration (COGLA) Guidelines for the Use of Oil-Based Drilling Muds and the 1989 COGLA Offshore Waste Treatment Guidelines. The oil and gas industry has requested that the limits be set in regulations because of conflicting requirements between the previous COGLA guidelines and the limits set by Environment Canada.

Two alternatives are being considered. One is to develop new sets of regulations under the Canada Oil and Gas Operations Act and the two East Coast Accord Implementation Acts. The other alternative is to amend the Canada Oil and Gas Drilling Regulations and the Canada Production and Conservation Regulations, and the mirror regulations under the Accord Implementation Acts.

The department will mainly consult with the Newfoundland and Nova Scotia governments, the oil and gas industry and regulatory agencies. Other stakeholders will be made aware of the department's plan through a notice in the *Canada Gazette*.

**Classification:** Low-cost initiative

**Contact:** T. Shanks, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
Tel.: (613) 992-8286; Fax: (613) 943-2274.

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## **Mobile Offshore Drilling Unit Regulations**

This initiative will establish minimum acceptable standards for mobile offshore drilling units used for oil and gas exploration. With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Canadian offshore area, the standards that will be contained in these regulations will be similar to those adopted by most international offshore regimes.

Extensive consultation with the oil and gas industry will be carried out, particularly with the Canadian Association of Petroleum Producers and the Canadian Association of Offshore Drilling Contractors.

Requirements for mobile offshore drilling units are presently contained in the Installations Regulations; in order to ensure consistency with the requirements issued by the Canadian Coast Guard, the new

regulations are being developed jointly with the Canadian Coast Guard. Once these regulations are promulgated, amendments to the Installations Regulations to delete their application to mobile offshore drilling units will be made.

**Classification:** Intermediate-cost initiative

**Contact:** J. Nazareth, Technical Advisor, Frontier Lands Management Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.  
Tel.: (613) 995-5591; Fax: (613) 943-2274.

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## General Information

### Roles and Responsibilities

Public Works and Government Services Canada (PWGSC) provides common services to federal government departments and seeks to be their supplier of choice for such services as procurement, compensation, financial and personnel management, Receiver General's functions, accommodation, real estate management, design and construction, telecommunications, informatics and translation. PWGSC resulted from the merger of Public Works Canada, Supply and Services Canada, the Federal Government Telecommunications Agency and the Secretary of State's Translation Bureau.

### Legislative Mandate

The statutes under the jurisdiction of the Minister responsible for Public Works and Government Services that are managed by the department are the:

- Bridges Act
- Defence Production Act
- Dry Dock Subsidies Act
- Expropriation Act
- Government Property Traffic Act
- Government Works Tolls Act
- Milltown Bridge Act
- Municipal Grants Act
- Northumberland Straits Crossing Act
- Ottawa River Act
- Public Works Canada Act
- Seized Property Management Act
- Supply and Services Canada Act
- Surplus Crown Assets Act

### Administrative Arrangements

- Federal Real Property Act
- Public Works Health Act
- Public Harbours and Port Facilities Act
- Ste-Foy-St-Nicolas Bridge Act

### Initiatives for 1995

PWGSC/95-1-O-L

#### Municipal Grants Program

Amendments may be necessary to the Municipal Grants Regulations, the Interim Payments and Recovery of Overpayments Regulations and the Crown Corporation Grants Regulations if the Municipal Grants Program is restructured. These changes could affect up to 2,200 municipalities.

**Legal Authority:** Municipal Grants Act, section 9(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as PWGS-2.

**Contact:** J. Piché, Special Advisor, Municipal Grants, Realty Services Branch, Public Works and Government Services Canada, Sir Charles Tupper Building, Room A408, Riverside Drive, Ottawa, Ontario, K1A 0M2. Tel: (613) 736-2214; Fax: (613) 998-8360.

PWGSC/95-2-N-L

#### Municipal Grants Regulations

The first amendment will allow PWGSC to continue to pay grants-in-lieu-of-taxes on properties occupied by the National Museum of Science and Technology and the National Gallery of Canada. Amendments to the Municipal Grants Regulations are necessary to include the custodian of these properties in Annex I of the Regulations. Secondly, at the request of the Minister of Indian Affairs and Northern Development (INAC), amendments are required to make INAC residential units managed by the Government of the Northwest Territories Housing Corporation eligible for grants-in-lieu-of-taxes.

**Legal Authority:** Municipal Grants Act, section 9(1)

**Status:** This is a new initiative.

**Contact:** J. Piché, Special Advisor, Municipal Grants, Realty Services Branch, Public Works and Government Services Canada, Sir Charles Tupper Building, Room A408, Riverside Drive, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2214; Fax: (613) 998-8360.

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PWGSC/95-3-O-L

### **Forfeited Property Sharing Regulations**

The Seized Property Management Act was given Royal Assent on June 23, 1993, and the Seized Property Disposition Regulations were promulgated on April 14, 1994. A second set of regulations under this act, the Forfeited Property Sharing Regulations, is required to establish a process to share the proceeds of crime that are forfeited to Her Majesty the Queen in right of Canada with jurisdictions, whose law enforcement agencies provided assistance in the investigation that led to the forfeiture. The sharing regulations will provide for the payment of monies out of the proceeds account established by the Act.

**Legal Authority:** Seized Property Management Act, sections 10 and 11

**Status:** This initiative appeared in the 1994 Regulatory Plan as PWGS-3.

**Contact:** Howard Polowin, Legal Counsel, Public Works and Government Services Canada, Place du Portage, Phase III, Room 15206, 11 Laurier Street, Hull, Quebec, K1A 0S5. Tel.: (819) 956-0995; Fax: (819) 953-3974.

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PWGSC/95-4-N-L

### **Government Property Traffic Regulations**

The Government Property Traffic Regulations will be amended to increase the penalties set out in section 22(1) for parking violations.

**Legal Authority:** Government Property Traffic Act, section 2(1)

**Status:** This is a new initiative.

**Contact:** Christian Kroeger, Industrial and Corporate Security, Public Works and Government Services Canada, Sir Charles Tupper Building, Room A123, Riverside Drive, Ottawa, Ontario, K1A 0M2. Tel: (613) 736-2413; Fax: (613) 736-3102.

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PWGSC/95-5-N-I

### **Revocation of the Canadian Vickers Dry Dock Regulations**

Until 1991, PWGSC paid an annual subsidy of \$180,000 to MIL-Vickers (later MIL-Davies) for the operation of the Georges Vanier Floating Dry Dock at Montreal. The Canadian Vickers Dry Dock Regulations were given Royal Assent as per the 1964 agreement between the Crown and Canadian Vickers Ltd (later MIL-Davies). A condition of the agreement was that the dry dock be operated at the port of Montreal. As a result of the concentration of facilities at Lauzon, Quebec, however, MIL-Davies is now in default of the subsidy agreement and payments were accordingly suspended in 1991. MIL-Davies now receives a direct subsidy from Industry Canada. PWGSC will therefore seek to revoke these regulations.

**Legal Authority:** Dry Dock Subsidies Act, section 91(5.1)

**Status:** This is a new initiative.

**Contact:** Deborah Doane, Analyst, Real Property Program, Public Works and Government Services Canada, Sir Charles Tupper Building, Riverside Drive, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2242; Fax: (613) 736-3253.



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General Information

Roles and Responsibilities

Revenue Canada is directly responsible for the administration of Canada's border, international trade and tax policies. In addition, the department is responsible for the delivery of social programs such as the Child Tax Benefit and the Goods and Services Tax (GST) Credit.

Under the direction of the Minister of National Revenue, the department serves Canadians and Canadian businesses through the administration of customs, excise and taxation programs.

Through its border policy administration, which it also carries out on behalf of other departments or levels of government, the department protects Canadian society from, among other things, the illegal movement of drugs and firearms across the nation's borders.

Its international trade policy administration seeks to ensure that Canadian industry is fairly treated by the wide variety of trade policy instruments that set the levels of customs duties, define import and country of origin requirements, provide for duties relief through remission and drawback programs, and provide remedies for unfair trade practices through anti-dumping and countervailing duties.

The department collects the GST, excise taxes and excise duties on both domestic transactions and importations. Customs duties and other import levies — in addition to, in some cases, provincial sales, alcohol and tobacco taxes — are collected at the border. The department collects federal income tax as well as personal and corporate tax on behalf of most provinces, along with employee and employer contributions to the Canada Pension Plan and employee and employer premiums for the Unemployment Insurance Commission.

The department also administers the Child Tax Benefit and GST Credit programs which redistribute income to fulfil the government's social policy. In addition, it issues tax credits, incentives and rebates to individuals and businesses.

Through the administration of excise duties, the department regulates the tobacco, distilling and brewing industries to a considerable extent. The administration of the income tax, GST, excise tax and duty systems carries with it the responsibility to assess, collect and, where appropriate, refund duties, taxes and levies. Audit, review and adjustment functions are important aspects of the tax and duty collection processes.

The department must also develop and maintain guidelines, policies, strategies, systems and programs for the consistent administration of its activities.

Legislative Mandate

The department exists by virtue of the Department of National Revenue Act, which charges the Minister of National Revenue with the control, regulation, management and supervision of internal taxes, including income tax and consumption taxes, as well as customs and excise duties.

The Minister is responsible for the administration of the statutes that fall within the department's legislative mandate, while the Minister of Finance retains the responsibility for the development of tax policy and legislation in respect of those statutes.

Major statutes included in the legal mandate of Revenue Canada are:

- Canada Pension Plan, Part I
- Customs Act
- Customs Tariff
- Excise Act
- Excise Tax Act (includes the GST)
- Income Tax Act
- Income Tax Conventions Interpretations Act
- Importation of Intoxicating Liquors Act
- Petroleum and Gas Revenue Tax Act
- Special Import Measures Act
- Unemployment Insurance Act, Parts III and VII

Administrative Arrangements

International tax agreements aim to promote the exchange of information between treaty partners and to avoid the double taxation of foreign income earned by citizens of countries having treaties with Canada.

According to the provisions of Part III of the Federal-Provincial Fiscal Arrangements Act, the department collects income taxes for the provinces under agreements entered into by the Minister of Finance.

The department also administers more than 70 pieces of legislation that pertain mainly to the movement of goods and people across Canada's borders. That legislation comes under the authority of other federal government departments and agencies, notably the departments of Agriculture and Agri-Food, Health, Industry, Transport and Statistics Canada.

## Initiatives for 1995

### Customs

RC/95-1-O-I

#### **Accounting for Imported Goods and Payment of Duties Regulations**

These regulations set out the accounting, release and duty payment requirements for all goods imported into Canada.

The Regulations will be amended to support several initiatives related to the New Business Relationships Initiative and the integration of the revenue portfolio. Some of these initiatives deal with courier shipments, low-value shipments, and method of payment of duties and taxes. In addition, other initiatives are currently being developed in consultation with the brokerage and importing community. Amendments to the Regulations will be introduced as each initiative is ready to be implemented.

These policy and program initiatives will benefit the community by providing flexibility and improving service.

**Legal Authority:** Customs Act, section 32

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-4.

**Contact:** Oryst Dydynsky, Chief, Inspection and Control Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6852; Fax: (613) 952-1698.

RC/95-2-N-L

#### **Display Goods Temporary Importation Regulations**

These regulations provide for the importation, free of duty, of certain classes of goods temporarily imported for specified use in Canada under certain terms and conditions. The proposed amendments will expand the Regulations to allow for further relief provisions, to make it easier to import goods for temporary use.

**Legal Authority:** Customs Tariff, tariff item 9819.00.00 of Schedule I

**Status:** This is a new initiative.

**Contact:** G. Calow, Manager, Unit 4B, Specialty Products, Tariff Programs Division, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6949; Fax: (613) 954-9646.

RC/95-3-R-L

#### **Drawback Claims Remission Order**

Once a year, a remission order is prepared remitting customs duties paid on imported goods that are the subject of drawback claims. The Drawback Claims Remission Order allows the department to pay a drawback to Canadian companies that, because of circumstances beyond their control, could not file drawback claims within the prescribed time limit. Generally, the Order applies to a new company, an existing company not previously engaged in export trade, or a company that has manufactured articles in fulfilment of an export order but has been instructed by the foreign purchaser to withhold shipment until a later date.

The order will benefit claiming Canadian companies by diminishing the effect of certain circumstances beyond their control on their ability to compete in domestic and international markets.

**Legal Authority:** Customs Tariff, section 101

**Status:** This is a recurring initiative.

**Contact:** Alan Fricker, Manager, Drawback and Refund Policy Unit, Duties Relief Programs, Tariff Programs Division, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6890; Fax: (613) 954-9646.

RC/95-4-O-L

#### **Duties Relief Regulations**

Section 6 of these regulations provides that Canadian goods exported temporarily for repairs, additions or work to be done abroad be exported under the supervision of a customs officer.

This section will be amended to provide for alternative documentary evidence of exportation of goods to be accepted where it is not practicable for the exporter to export such goods under the supervision of a customs officer.



The amendment will broaden current requirements regarding proof of export, thus assisting importers who wish to request relief of duties under subsection 88(1) of the Customs Tariff.

**Legal Authority:** Customs Tariff, section 95

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-9.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Customs Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

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RC/95-5-O-L

### **Regulations Concerning the Non-Resident Customs Accounting Program**

New regulations will be made to authorize some non-resident exporters to account for low-value goods exported to Canada as mail or by courier and to pay the applicable duties and taxes in lieu of the importer. These regulations will set out the conditions to be met by a non-resident exporter before an authorization is granted, the ensuing obligations and responsibilities, the manner of accounting for the goods and the requirements with respect to the payment of duties. The regulatory framework required to support this initiative also includes amendments to the following regulations: Fees in Respect of Mail Regulations, Accounting for Imported Goods and Payment of Duties Regulations, and Proof of Origin Regulations.

Under the program, all costs associated with the assessment, collection and remittance of these duties and taxes will be the responsibility of the non-resident exporter. Therefore, goods imported by courier and goods imported as mail will be accounted for by the exporter; goods imported as mail will be exempt from the \$5.00 postal handling fee. Duties and taxes will be collected in a more cost-efficient manner, as the department will receive them directly from those exporters registered under the proposed regulations.

**Legal Authority:** Customs Act, section 32

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-11.

**Contact:** Fred Light, Director, Postal, Courier and LVS Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7130; Fax: (613) 952-1698.

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RC/95-6-O-L

### **Remission Orders Concerning Charitable Goods and Official Uniform Dress of Militia**

The Charitable Goods and Official Uniform Dress of Militia Remission Order will be revoked and replaced by two new orders. The current order provides relief of customs duties and excise taxes on imported goods donated to charitable organizations.

The proposed Charitable Goods Remission Order will provide similar relief, and will also set out specific conditions for the remission and establish record-keeping requirements. This will permit improved administration of the Order.

The proposed Official Uniform Dress and Accoutrement of Primary Reserves Remission Order will provide relief of customs duties under the same terms and conditions as the existing order. Minor changes to terminology will be made to ensure consistency with current usage.

These changes will improve administrative and control procedures for relief claims.

**Legal Authority:** Financial Administration Act, section 23; Customs Tariff, section 101

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-12.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Customs Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

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RC/95-7-R-L

### **Temporary Importation Remission Orders**

Each year, the department retroactively grants remission of a portion of the customs duties and Goods and Services Tax paid or payable on certain goods required temporarily in Canada.

These orders allow Canadian industries to produce goods and provide services in a more cost-effective, and therefore more competitive, manner. They also reduce the administrative and financial burden on those industries and the department by removing the requirement to obtain legislative authority for individual cases.

**Legal Authority:** Customs Tariff, section 101

**Status:** This is a recurring initiative.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Customs Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

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RC/95-8-R-L

## **Used Motor Vehicle Exemption Regulations**

Generally, used or second-hand motor vehicles have to be 15 years old or older before they are exempt from the prohibitory terms of Code 9963 of Schedule VII of the Customs Tariff and can be imported into Canada. Although the age restriction on motor vehicles imported from the United States was eliminated on January 1, 1993, under the terms of the Canada-United States Free Trade Agreement, the 15-year age restriction still applies to motor vehicles imported from other countries.

Every year, individuals wishing to import vehicles make requests for exemption from the prohibition. Departmental officials review these requests on a case-by-case basis. Because of special circumstances surrounding given cases, the Minister may recommend that regulations be made exempting certain vehicles that are not already exempted by the existing Used or Second-Hand Motor Vehicle Regulations.

As the number of vehicles exempted from the prohibition each year is relatively small, there will be no impact on either the Canadian new or used motor vehicle industries.

**Legal Authority:** Customs Tariff, paragraph (e) of code 9963 of Schedule VII

**Status:** This is a recurring initiative.

**Contact:** R. Dods, Manager, Unit 4A, Consumer and Industrial Products, Customs Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7028; Fax: (613) 954-9646.

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## **Excise Duties and Taxes**

RC/95-9-O-L

### **Brewery Departmental Regulations**

These regulations prescribe the conditions for determining quantities of beer produced, computing duty payable and refunding duty paid.

The Regulations will be modified to allow brewers to use public accountants to conduct the required inventory counts; to expand the section dealing with particulars to be recorded to include credits taken from excise duty payments; and to simplify the wording of the section dealing with operations requiring supervision.

The proposed changes will reduce the compliance burden on the licensee and ease the department's administrative and revenue collection costs. This will benefit both the industry and the department.

**Legal Authority:** Excise Act, sections 29(1), 31, 32(2), 127.1, 173, 175

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-18.

**Contact:** B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593; Fax: (613) 954-2226.

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RC/95-10-O-L

### **Brewery Regulations**

These regulations prescribe conditions pertaining to production period, refunds on destroyed beer, loss allowance, information on containers, export of beer and payment of duties.

These regulations will be modified to amend the requirement for a brewer to notify the Minister in advance of a change in the "production day"; to simplify the wording in the section that deals with loss allowance and outlines the basis for calculating allowable loss; and to allow for deferral of the payment of small amounts of duty.

These amendments will reduce the compliance burden on the licensee and ease the department's administrative and revenue collection costs. This will benefit the industry and the department.

**Legal Authority:** Excise Act, sections 47(1), 127.1, 170(2), 174(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-17.

**Contact:** B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593; Fax: (613) 954-2226.

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RC/95-11-O-L

**Distillery Departmental Regulations**

These regulations prescribe the conditions for determining the quantity of spirits produced and for using domestic and imported blending material, and set out the particulars to be recorded in the distillers' daily books and records.

The Regulations will be modified to allow distillers to use the services of public accountants to conduct required inventory counts. The modifications will also amend the wording of the section to align the regulatory requirements with information provided on the return.

By easing the compliance burden, the amendments will allow the industry to operate with greater flexibility and to take advantage of the export market, and will reduce the department's administrative costs.

**Legal Authority:** Excise Act, sections 127.1, 32(2), 149

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-21.

**Contact:** T.S. Closs, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-6718; Fax: (613) 954-2226.

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RC/95-12-O-L

**Distillery Regulations**

These regulations prescribe the conditions for colouring pipelines; for blending, bottling, distilling and re-distilling domestic spirits; and affixing strip stamps to certain products.

The Regulations will be modified to allow deferral of the payment of small amounts of duty.

By easing the compliance burden, the amendment will allow the industry to operate with greater flexibility and will reduce the department's administrative costs.

**Legal Authority:** Excise Act, sections 127, 150(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-20.

**Contact:** C. Turner, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-1140; Fax: (613) 954-2226.

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RC/95-13-O-L

**Excise Warehousing Departmental Regulations**

These regulations prescribe the conditions for the transfer of goods in bond; the return of exported goods to in-bond status; and the release of goods, duty free, to specified persons such as diplomats. They also set record-keeping requirements for bonding warehouse operators.

The Regulations will be modified to allow warehouse operators to use the services of public accountants to conduct required inventory counts; to eliminate the minimum quantity requirement for the removal of spirits from a bonding warehouse and provide for the accumulation of small amounts of duty for payment at a later date; to revoke the requirement that the Regional Director provide authority to return exported goods to in-bond stock; and to amend the wording of the section to align the regulatory requirements with information provided on the return.

The proposed changes will reduce the compliance burden on the licensees, help the industry become more competitive and ease the industry's and department's administrative costs.

**Legal Authority:** Excise Act, sections 58(1), 32(2), 127.1, 150(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-23.

**Contact:** T.S. Closs, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-6718; Fax: (613) 954-2226.

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RC/95-14-O-L

**Excise Warehousing Regulations**

These regulations prescribe the conditions for storage and security of goods in a bonding warehouse, and prohibit the removal of spirits from a distillery or warehouse unless a permit for removal has been issued by the licensee.

The Regulations will be modified to revoke the section describing the arrangement of tobacco products on licensed premises and to allow deferral of the payment of small amounts of duty.

By easing the compliance burden, this amendment will allow the industry to operate with greater



flexibility and will reduce the department's administrative costs.

**Legal Authority:** Excise Act, sections 127, 61

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-22.

**Contact:** T.S. Closs, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-6718; Fax: (613) 954-2226.

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RC/95-15-O-L

### **Manufacturers In Bond Departmental Regulations**

These regulations set out the administrative requirements for bonded manufacturers. These include the supervision of certain operations by officers and the determination of the quantity of spirits taken for use. In addition, the Regulations provide for an abatement of duties for deficiencies and a drawback of duties when goods are exported. The Regulations also set out requirements for record-keeping and for annual returns to be submitted.

The Regulations will be modified to allow manufacturers in bond to use the services of public accountants to conduct required inventory counts and to amend the wording of the section dealing with regulatory requirements to align with information provided on the return.

By easing the compliance burden, the amendments will allow the industry to operate with greater flexibility and will reduce the department's administrative costs.

**Legal Authority:** Excise Act, sections 127.1, 32(2), 186

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-25.

**Contact:** B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593; Fax: (613) 954-2226.

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RC/95-16-O-L

### **Manufacturers In Bond Regulations**

These regulations specify the categories of goods that may be manufactured by a bonded manufacturer as well as the requirement that formula cards be submitted and approved for each proposed product.

The Regulations will be modified to allow the expansion of product categories to permit the inclusion of new products; to allow additional specific goods to be listed, based on definitions described in the new product classification section; and to revoke the sections dealing with specifications for vanillin solutions, vanilla extract and other extracts.

The proposed changes will expand product classification to allow for new products. This will help industry create a competitive environment. Eliminating the filing of certain reports and promoting administrative guidelines instead of regulatory control will allow industry and the department to become more efficient and reduce costs.

**Legal Authority:** Excise Act, sections 127, 181, 183, 194

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-24.

**Contact:** C. Turner, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-1140; Fax: (613) 954-2226.

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RC/95-17-O-L

### **Tobacco Departmental Regulations**

These regulations prescribe the conditions for the handling, processing and labelling of tobacco products, and set out requirements regarding record-keeping.

The Regulations will be modified to set out the requirements for a tobacco stamp to be placed on duty-paid tobacco products; to define the criteria for exemptions for certain imported tobacco products; to allow tobacco products manufacturers to use the services of public accountants to conduct the required inventory counts; and to amend the wording of the section dealing with regulatory requirements to align with information provided on the return.

These amendments will allow the industry to operate with greater flexibility, facilitate the legal importation of tobacco by individuals and ease the department's administrative and revenue collection costs.

**Legal Authority:** Excise Act, sections 127.1, 32(2), 201, 202

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-28.

**Contact:** B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier,

Tower C, 7th Floor, 25 McArthur Avenue, Vanier,  
Ontario, K1A 0L5. Tel.: (613) 957-7593;  
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RC/95-18-O-L

### **Tobacco Regulations**

These regulations define "complete manufacture" and prescribe the conditions for marking containers, warehousing and paying duty.

The Regulations describing payments will be amended to allow for the deferral of the payment of small amounts of duty.

By easing the compliance burden, the amendments will allow the industry to operate with greater flexibility and will reduce the department's administrative costs.

**Legal Authority:** Excise Act, sections 127, 48(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-27.

**Contact:** B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593;  
Fax: (613) 954-2226.

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RC/95-19-O-L

### **Formula Refunds Regulations**

These regulations determine the manner of calculating the amount of deduction, refund or payment in situations where there is insufficient information to determine the exact amount of federal sales or excise tax.

These regulations will be repealed and replaced with regulations that will deal specifically with excise tax payments and deductions. The formulae for determining the estimated amounts for payment or deduction will be included in the revised regulations. These changes will not entail any policy changes.

**Legal Authority:** Excise Tax Act, section 76

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of RC-29.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;  
Fax: (613) 954-2226.

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RC/95-20-O-L

### **Goods for Ships and Aircraft (Excise) Drawback Regulations**

These regulations set the parameters for claiming sales and excise taxes on goods supplied to ships and aircraft proceeding on international voyages.

These regulations will be modified to remove all references to the former federal sales tax. This will not entail any policy changes.

**Legal Authority:** Excise Tax Act, section 70(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of RC-29.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower A, 3rd Floor, 333 River Road, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

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RC/95-21-O-L

### **General Excise and Sales Tax Regulations**

The current General Excise and Sales Tax Regulations outline the rules applicable to: the licensing of manufacturers and wholesalers for the purposes of federal sales and excise taxes; the licensing exemption for small manufacturers; the security to be given by licensed wholesalers; and returns and payments. They also set the rules governing the documentation of exported goods for which sales or excise taxes have been paid and which are subject to rebate or deduction.

These regulations will be revised in order to eliminate all obsolete provisions and references to federal sales tax. Most of the remaining provisions will be altered to correct references to various sections of the Excise Tax Act and to effect other housekeeping changes. The Regulations will also be revised to incorporate additional exemptions that are now covered in the Small Manufacturers or Producers Exemption Regulations, which are scheduled for revocation. All of the modifications being contemplated under this amendment are essentially housekeeping in nature.

**Legal Authority:** Excise Tax Act, sections 59(1), 64(2), 68.1

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-31.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier,

RC/95-22-O-L

### **Gasoline and Aviation Gasoline Excise Tax Application Regulations**

In accordance with recommendations stemming from the department-wide regulatory review, the existing Gasoline and Aviation Gasoline Excise Tax Application Regulations will be revised and renamed. When the Goods and Services Tax was implemented on January 1, 1991, the Excise Tax Act provisions pertaining to rebates of gasoline and aviation gasoline excise taxes were substantially revised. As part of those revisions, excise tax rebates for aviation gasoline were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation.

The revised regulations will incorporate some housekeeping changes in order to reflect the current provisions of the Excise Tax Act. In addition, they will be changed to reflect current administrative practice by eliminating the requirement for an individual applicant to provide his or her social insurance number on an application for rebate of the excise tax on gasoline.

This revision to the Regulations will require no policy changes.

**Legal Authority:** Excise Tax Act, section 68.16(6)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-32.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;  
Fax: (613) 954-2226.

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RC/95-23-O-L

### **Gasoline and Aviation Gasoline Excise Tax Regulations**

In accordance with recommendations stemming from the department-wide regulatory review, the existing Gasoline and Aviation Gasoline Excise Tax Regulations will be revised and renamed. When the Goods and Services Tax was implemented on January 1, 1991, the Excise Tax Act provisions pertaining to rebates of gasoline and aviation gasoline were substantially revised. Accordingly, excise tax rebates for aviation gasoline were eliminated, while the

eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation. The legislative provisions for the issuance of bulk permits for gasoline and aviation gasoline were also revoked at that time.

The revised regulations will reflect these legislative changes, eliminate a number of obsolete provisions and make several other corrections to the references to sections of the Excise Tax Act. However, no changes in policy or to current administrative practices will be required as a consequence of this revision.

**Legal Authority:** Excise Tax Act, section 68.16(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-33.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;  
Fax: (613) 954-2226.

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RC/95-24-O-L

### **Small Manufacturers or Producers Exemption Regulations**

These regulations name the classes of manufacturers or producers who are exempt from paying sales tax on their sales of goods of their manufacture or production. The Regulations are no longer relevant for purposes of the federal sales tax, which was replaced by the Goods and Services Tax in 1991.

Although the Regulations continue to have application for excise tax purposes, it will be possible to provide comparable relief through changes to the General Sales and Excise Tax Regulations. Accordingly, following the enactment of the revision to the latter regulations, the Small Manufacturers or Producers Exemption Regulations will be revoked.

There will be no requirement to revise current policy or administrative practices in association with these changes.

**Legal Authority:** Excise Tax Act, section 54(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-34

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;  
Fax: (613) 954-2226.

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## **Taxation**

### **Income Tax Regulations**

RC/95-25-R-L

#### **Tax Deductions - Part I**

Amendments to Part I and Schedule I of the Income Tax Regulations will change federal-provincial sharing of source deductions on wages and salaries and source deduction tables for employers to reflect indexing and federal/provincial budget changes.

The impact of the amendments to Part I and Schedule I cannot be determined at this time.

**Legal Authority:** Income Tax Act, subsection 153(1)

**Status:** This is a recurring initiative

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-26-R-L

#### **Tax Information Returns - Part II**

Amendments to Part II of the Income Tax Regulations will require a described class of persons to file information returns in certain circumstances. The amendments will reflect amendments to the Income Tax Act (the Act) and to those classes of persons and circumstances that the department has identified as requiring the filing of information returns in order to enhance the effective administration of the Act. Further amendments may be made to make reporting unnecessary when there are no tax consequences or where the information is reported elsewhere.

Amendments to Part II are administrative in nature. These amendments will reduce the paper burden by eliminating unnecessary reporting, but will increase the paper burden by requiring some new reporting of financial transactions.

**Legal Authority:** Income Tax Act, paragraph 221(1)(d)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-27-R-L

#### **Elections - Part VI**

Amendments to Part VI of the Income Tax Regulations will list additional provisions of the Income Tax Act in respect of which late, amended or revoked elections may be made.

The amendments to Part VI are relieving in nature, but the impact cannot be determined at this time.

**Legal Authority:** Income Tax Act, subsection 220(3.2)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-28-O-L

#### **Elections - Parts X, XV, and XXI**

Amendments to Parts X, XV and XXI of the Income Tax Regulations will revoke the manner of making elections. They are administrative in nature.

**Legal Authority:** Income Tax Act, paragraph 221(1)(a)

**Status:** This initiative appeared in the 1994 Regulatory Plan as RC-35.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1P 5H2. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-29-R-L

#### **Tax Tables - Part XXV**

Amendments to Part XXV of the Income Tax Regulations will delete redundant references to subsection 117(7) and section 121 of the Income Tax Act. This change is administrative in nature.

**Legal Authority:** Income Tax Act, subsection 117(6)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-30-R-L

## **Communication of Information - Part XXX**

Amendments to Part XXX of the Income Tax Regulations will list additional provincial laws in respect of which this department may communicate income tax information to provincial governments. These changes are administrative in nature.

**Legal Authority:** Income Tax Act, subsection 122.64(2)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-31-R-L

## **Universities Outside Canada - Schedule VIII**

Schedule VIII to the Income Tax Regulations lists the universities outside Canada, to which Canadians can make donations that are deductible for income tax purposes. This schedule will be amended to add additional universities that meet the requirement contained in the Income Tax Act or to reflect a change in the name of a listed university.

The amendments to Schedule VIII are relieving in nature, but the impact cannot be determined at this time.

**Legal Authority:** Income Tax Act, subparagraph 110.1(1)(a)(vi)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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## **Canada Pension Plan Regulations**

RC/95-32-R-L

### **Source Deductions - Part I and Schedule I**

These amendments to the Canada Pension Plan Regulations will set out the maximum contributions that can be made annually and the annual basic exemption. The amendments reflect the inflationary increase in salaries and wages as reflected by the Industrial Aggregate in Canada. These amendments will be prepared in consultation with Human

Resources Development Canada. Amendments to Schedule I of the Regulations, which provides source deduction tables for employers, are based on the revised maximum contributions and basic exemption.

The figures necessary to set the revised maximum contributions and basic exemption are not available at this time.

**Legal Authority:** Canada Pension Plan, subsection 21(1)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-33-O-L

## **Canada Pension Plan - Schedule II**

Amendments to Schedule II of the Canada Pension Plan Regulations will make the penalty provisions for non-compliance with deducting and remitting provisions the same as those under the Income Tax Act.

**Legal Authority:** Canada Pension Plan, subsection 21(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of RC-36.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-34-R-L

## **Canada Pension Plan - Schedules IV to IX**

Amendments to Schedule IV of the Canada Pension Plan Regulations, which lists the types of employment by the government of a province that are excluded from pensionable employment, will reflect requests received from the governments of the provinces.

Amendments to Schedules V to IX to the Regulations will reflect international agreements between the Government of Canada and international organizations or the governments of other countries. The agreements affecting Schedules V to VIII provide that certain employees in Canada of the international organizations or the other countries' governments are employed in exempt employment for the purposes of

the Canada Pension Plan. The agreements affecting Schedule IX provide that certain employees in Canada of other countries' governments are employed in pensionable employment for the purposes of the Canada Pension Plan.

The precise impact of the amendments cannot be determined at this time but, generally, they will result in increased contributions.

**Legal Authority:** Canada Pension Plan, section 7

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-35-R-L

## **Unemployment Insurance - Collection of Premiums**

These amendments to the regulations are necessary to reflect changes in the Unemployment Insurance Act and jurisprudence; to coordinate the policies of this department with those of Human Resources Development Canada concerning the recording of earnings and the determination of insurable earnings; and to simplify and clarify the regulations to achieve uniformity of interpretation.

Amendments to the schedule to the regulations are required to change source deduction tables for employers to reflect revised insurable earnings and premium rates as determined in accordance with the Unemployment Insurance Act.

The impact from revised insurable earnings and premium rates cannot be determined since these figures are not available at this time.

**Legal Authority:** Unemployment Insurance Act, subsection 75(1)

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-36-R-I

## **Advance Taxation Rulings Fees Order**

These amendments will revise the hourly fees charged for the preparation of "advance rulings". The revised hourly rates will be in accordance with the government's policy of cost recovery from users of government services. Taxpayers seeking "advance rulings" may pay higher or lower fees, depending on whether costs go up or down.

The amendments will allow the department to recover the increased cost of processing advance rulings requests.

**Legal Authority:** Financial Administration Act, subsection 19(1)

**Status:** This is a recurring initiative.

**Contact:** T.R. Fowler, Resource Management Directorate, Revenue Canada, Sir Richard Scott Building, 7th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel.: (613) 957-7341; Fax: (613) 954-4199.

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RC/95-37-R-I

## **Taxation Statistical Analyses and Data Processing Services Fees Order**

These amendments will revise the fees charged for special services provided by this department. The revised fees will be based on a cost-recovery calculation approved by Treasury Board.

The services to be provided consist of the use of computers and related services to offer specialized analyses of taxation data, not otherwise available, to provincial governments, other public authorities, educational institutions and private consultants. The analyses provided will not contravene the confidentiality provisions of the Income Tax Act.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery and may cost the users more or less depending upon whether costs go up or down.

**Legal Authority:** Financial Administration Act, subsection 19(1)

**Status:** This is a recurring initiative.

**Contact:** T.R. Fowler, Resource Management Directorate, Revenue Canada, Sir Richard Scott Building, 7th Floor, 191 Laurier Avenue West, Ottawa,



Ontario, K1A 0L5. Tel.: (613) 957-7341;  
Fax: (613) 954-4199.

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RC/95-38-R-I

### **Registered Charities Information Return Fee Order**

These amendments will revise the fees charged for making photocopies of charitable organizations' returns for external users. The revised fees will be based on a cost recovery calculation approved by Treasury Board. Revenue Canada receives requests for photocopies of charitable organizations' returns from provincial authorities, educational institutions and other interested parties. Subsection 149.1(15) of the Income Tax Act provides that this information may be given to the public and does not contravene the confidentiality provisions of the Act.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery and may cost the users more or less depending upon whether costs go up or down.

**Legal Authority:** Financial Administration Act, subsection 19(1)

**Status:** This is a recurring initiative.

**Contact:** T.R. Fowler, Resource Management Directorate, Revenue Canada, Sir Richard Scott Building, 7th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel.: (613) 957-7341;  
Fax: (613) 954-4199.

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RC/95-39-R-I

### **Revenue Canada Taxation Technical Publication Subscription Service Fees Order**

These amendments will revise the subscription fees charged for the service of automatically mailing publications issued by the department regarding income tax matters (interpretation bulletins, information circulars, income tax technical news and income tax rulings).

The amount of the revised fees cannot be determined at this time but will be in accordance with the government's policy of cost recovery from users of government services and may cost the users more or less depending upon whether costs go up or down. Fees for a one- and two-year subscription, as well as for a complete set of current publications, will be amended.

**Legal Authority:** Financial Administration Act, subsection 19(1)

**Status:** This is a recurring initiative.

**Contact:** T.R. Fowler, Resource Management Directorate, Revenue Canada, Sir Richard Scott Building, 7th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel.: (613) 957-7341;  
Fax: (613) 954-4199.

### **Miscellaneous**

RC/95-40-R-L

### **Amendments to Regulations and Orders Pursuant to Customs, Excise and Taxation Legislation**

Throughout the year, the department receives representations from various interested organizations and associations regarding the regulations it administers. Their representations, as well as other initiatives to provide improvements for clients and partners, may result in amendments to the regulations.

As the economic or policy impact of such initiatives is not known, a classification with respect to future costs cannot be made at this time.

**Legal Authority:** Various sections of the Customs Act, Customs Tariff, Excise Act, Excise Tax Act/GST, Income Tax Act, Canada Pension Plan and Unemployment Insurance Act

**Status:** This is a recurring initiative.

**Contacts:** For matters pertaining to Customs legislation: K. Lehman, Chief, Policy, Legislative Affairs Division, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6955;  
Fax: (613) 952-2093.

For matters pertaining to the Excise Act and Excise Tax Act (non-GST): D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;  
Fax: (613) 954-2226.

For matters pertaining to Excise Tax Act (GST): I. Bastasic, A/Director, Legislation and Regulations Division, Revenue Canada, Place Vanier, Tower C, 1st Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-3552; Fax: (613) 954-1811.

For matters pertaining to Canada Pension Plan, Taxation and Unemployment Insurance legislation: D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-41-R-L

## **Delegation of Minister of National Revenue's Powers and Duties**

These amendments to the regulations reflect changes to the titles of departmental officials following departmental reorganization, legislative changes or reconsideration of the level of administrators to whom certain powers and duties of the Minister of National Revenue are delegated.

In regard to the Excise Tax Act, all of the powers and duties of the Minister of National Revenue are now delegated by ministerial authorization, rather than by regulations. Amendments to the ministerial authorization will be carried out as they become necessary.

The repeal of the old Delegations of Powers used in the administration of parts II to VII of the Excise Tax Act is expected to be accomplished by the end of 1994.

In regard to the Customs Act, Canada Pension Plan, Income Tax Act and Unemployment Insurance Act, the revisions to the regulations are administrative in nature and, therefore, most such amendments will not affect the public and will have minimal revenue impact. Members of the public can find out an official's level of authority through these instruments. The department is considering amending the Customs Act, Canada Pension Plan, Income Tax Act and Unemployment Insurance Act to allow the Minister's powers and duties to be delegated by ministerial authorization.

**Legal Authority:** Excise Tax Act, subsections 59(2) and 275(3); Income Tax Act, paragraph 221(1)(f); Customs Act; section 134 and paragraph 164(1)(a)

**Status:** For the Customs Act, Canada Pension Plan, Income Tax Act and Unemployment Insurance Act: This is a recurring initiative subject to possible changes to the respective Acts. For the Excise Tax Act: The Delegation of Powers Regulations Repeal Order is presently at the Privy Council Office Section of Justice for examination.

**Contacts:** For matters pertaining to Customs legislation: K. Lehman, Chief, Policy, Legislative

Affairs Division, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6955; Fax: (613) 952-2093.

For matters pertaining to Excise Tax Act (GST): I. Bastasic, A/Director, Legislation and Regulations Division, Revenue Canada, Place Vanier, Tower C, 1st Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-3552; Fax: (613) 954-1811.

For matters pertaining to Canada Pension Plan, Taxation and Unemployment Insurance legislation: D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1005, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 954-0896.

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RC/95-42-R-L

## **Miscellaneous Amendments (Standing Joint Committee for the Scrutiny of Regulations)**

Amendments to regulations will be required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments will address certain legal issues as well as minor wording changes, such as the correction of discrepancies or grammatical errors.

While most such amendments have minor economic or policy impact, a classification with respect to future issues cannot be made at this time.

**Legal Authority:** Customs Act; Customs Tariff; Excise Act; Excise Tax Act/GST; Income Tax Act

**Status:** This is a recurring initiative.

**Contacts:** For matters pertaining to Customs legislation: K. Lehman, Chief, Policy, Legislative Affairs Division, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6955; Fax: (613) 952-2093.

For matters pertaining to the Excise Act and Excise Tax Act (non-GST): D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

For matters pertaining to Excise Tax Act (GST): I. Bastasic, A/Director, Legislation and Regulations Division, Revenue Canada, Place Vanier, Tower C, 1st Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-3552; Fax: (613) 954-1811.

For matters pertaining to Taxation legislation:  
D.C. Burnett, Senior Policy Analyst, Current  
Amendments and Regulations Division, Revenue  
Canada, Room 1005, 123 Slater Street, Ottawa,  
Ontario, K1A 0L8. Tel.: (613) 957-2076;  
Fax: (613) 954-0896.

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RC/95-43-R-L

## **Remissions under Customs, Excise or Taxation Legislation**

Throughout the year, circumstances may prompt the Minister of National Revenue to sponsor the introduction of orders-in-council to remit all or part of the duties and/or taxes paid or payable under the Customs Tariff, the Excise Act, the Excise Tax Act and/or the Income Tax Act.

These remission orders usually have minimal revenue impact and are a means of redressing inequitable situations.

**Legal Authority:** Customs Tariff, section 101;  
Financial Administration Act, subsection 23(2)

**Status:** This is a recurring initiative.

**Contacts:** For matters pertaining to the Customs Tariff: B. Boyd, A/Secretary, Interdepartmental Remission Committee, Revenue Canada, 6th Floor, 555 MacKenzie Avenue, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6883;  
Fax: (613) 952-3971.

For matters pertaining to Excise Tax Act (GST):  
I. Bastasic, A/Director, Legislation and Regulations Division, Revenue Canada, Place Vanier, Tower C, 1st Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-3552; Fax: (613) 954-1811.

For matters pertaining to the Excise Act and Excise Tax Act (non-GST): D.K. Hudson, Director, Legislative and Regulatory Affairs, Excise Duties and Taxes, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

For matters pertaining to the Income Tax Act: Roy Shultis, Director, Technical Publications Division, Revenue Canada, 123 Slater Street, Ottawa, Ontario, K1P 5H2. Tel.: (613) 957-2052; Fax: (613) 954-0896.

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## **Future Initiatives**

### **Foreign Missions and International Organizations**

With the consolidation of the Diplomatic and Consular Privileges and Immunities Act and the Privileges and Immunities (International Organizations) Act under the Foreign Missions and International Organizations Act, certain provisions of the Customs Tariff may need amendment; several customs regulations and orders may also require related amendments.

Consultation with Foreign Affairs and International Trade Canada and Finance Canada is required to determine what is to be amended.

**Classification:** Low-cost initiative

**Contact:** G. Calow, Manager, Unit 4B, Specialty Products, Tariff Programs Division, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel.: (613) 954-6949; Fax: (613) 954-9646.

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### **Regulations under a New Customs Act**

A fundamental review of the Customs Act was undertaken in 1993, with a report completed in 1994. Subject to Cabinet approval, a new Customs Act is expected to be developed in 1995 to provide a legal framework that:

- reduces compliance burden;
- is compatible with business practices and allows for flexible program design and delivery;
- allows for effective compliance verification and enforcement; and
- includes fair and transparent sanctions and redress mechanisms.

The new act would require revised or modified regulations to effect certain of its provisions.

The Task Force established to conduct the Customs Act Review consulted extensively with a wide range of stakeholders. It received input in the form of meetings, focus groups and written submissions. Further consultations and discussions are expected once the final report is released. Regulations are also expected to be ready for the hearings at the Parliamentary Committee stage of the new bill.

**Classification:** Low-cost initiative

**Contact:** L. Klump, Customs Review Task Force, Revenue Canada, Connaught Building, 555 MacKenzie



## Storage of Goods Regulations

The Storage of Goods Regulations outline the procedures to be followed when storing in-bond goods pending their release from, or disposal by, Customs. These regulations prescribe the time limits after which goods may be moved to a place of safekeeping and set out the applicable storage charges.

Treasury Board has requested that the department review the schedule of storage charges to ensure they are consistent with current operating costs.

The department will mainly consult with the Canadian Highway Sufferance Warehouse Association to determine existing market storage rates.

**Classification:** Low-cost initiative

**Contact:** J. Kiefl, Chief, Warehouse Licensing Section, Transportation Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7193; Fax: (613) 955-9717.

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## Temporary Importation Regulations

These regulations provide for the importation, free of duty or at a reduced rate of duty, of certain classes of goods temporarily imported for use in Canada under certain terms and conditions. The proposed amendments will correct an item that was inadvertently restricted in a recent consolidation and will expand the Regulations to allow for further relief provisions.

Revenue Canada will consult with Finance Canada with the objective of streamlining administrative procedures, reducing the paper burden and making it easier to import goods temporarily.

**Classification:** Low-cost initiative

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Customs Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

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## The Excise Act Review

The Excise Act levies excise duties on alcohol and tobacco products and places controls on their production and distribution. The Act is antiquated in many key respects and in need of reform. It is

currently under review by both Revenue Canada and Finance Canada.

The objectives of the review are to develop a tax structure and administration that continues to safeguard the tax revenue received from alcohol and tobacco products, and to streamline and simplify the legislation to provide a fair and modern tax structure that minimizes the impact of government tax policies on the industries affected.

The review group will consult with licensees under the Act, industry associations and other stakeholders at various stages over the course of the review. Draft legislation is targeted for completion in 1995.

**Classification:** Low-cost initiative

**Contact:** F. O'Riordan, Director General, Excise Act Review, Revenue Canada, 9th Floor, 110 O'Connor Street, Ottawa, Ontario, K1A 0L5. Tel.: (613) 941-0001; Fax: (613) 941-2999.

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## GST Review

Since the implementation of the Goods and Services Tax (GST) in 1991, the department has continually sought opportunities to improve the legislation, regulations and administrative policies associated with the tax, through measures designed to simplify or reduce the administrative burden imposed upon taxpayers. This effort has already resulted in significant changes, including elimination of the requirement to file various forms, simplification of the processes for calculating and remitting tax, and relaxed filing requirements. Such efforts will continue during 1995.

The government is now committed to replacing the GST by 1996. However, the legislation to replace this tax has not yet been developed. While it is anticipated that the legislation will require the development of new regulations, the volume and nature of these will not be known until a draft bill has been prepared.

**Classification:** Too difficult to determine now but could be major

**Contact:** I. Bastasic, A/Director, Legislation and Regulations Division, Revenue Canada, Place Vanier, Tower C, 1st Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-3552; Fax: (613) 954-1811.

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## Simplification - Taxation

The department continually consults with its stakeholders concerning its regulatory-type programs

and administrative policies. As a result, the department has reduced reporting requirements for financial transactions by financial institutions, simplified guides and returns, and clarified information circulars and interpretation bulletins. The efforts to simplify procedures and ease compliance requirements will continue during 1995 and subsequent years through consultations with affected parties.

Regulations affecting the deduction of income tax, Canada Pension Plan contributions and Unemployment Insurance premiums at source are continually re-examined with our stakeholders, as are the regulations governing the reporting of various financial transactions on information slips.

**Classification:** Too difficult to determine now but could be major

**Contact:** G.J. Murray, Senior Policy Analyst, Current Amendments and Regulations Division, Revenue Canada, Room 1051, 123 Slater Street, Ottawa, Ontario, K1P 5H2. Tel.: (613) 957-2079; Fax: (613) 954-0896.

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General Information

Roles and Responsibilities

Solicitor General Canada is comprised of four agencies – the Royal Canadian Mounted Police (RCMP), the National Parole Board (NPB), the Correctional Service of Canada (CSC) and the Canadian Security Intelligence Service (CSIS) – and three review bodies: the RCMP External Review Committee, the RCMP Public Complaints Commission and the Inspector General of the Canadian Security Intelligence Service. The department also includes the Office of the Correctional Investigator and the Secretariat, which provides advice to the Solicitor General on policing, corrections and national security and advises on ministry policy.

Legislative Mandate

The Solicitor General administers:

- Canadian Security Intelligence Service Act
- Corrections and Conditional Release Act
- Criminal Records Act
- Department of the Solicitor General Act
- Prisons and Reformatories Act
- Royal Canadian Mounted Police Act
- Transfer of Offenders Act

Administrative Arrangements

The department's additional operational responsibilities are carried out under the following acts:

- Diplomatic and Consular Privileges and Immunities Act
- Identification of Criminals Act
- Immigration Act
- Official Secrets Act
- Psychoactive Substance Control Act (currently Bill C-87)
- Security Offences Act

Operational responsibilities also include certain sections of the Criminal Code relating to electronic interception, designation of fingerprint and counterfeit examiners, and the Firearms Annual Report, which



are administered by other departments. The RCMP enforces all federal statutes when they are not under the jurisdiction of another department or agency.

## Initiatives for 1995

### Solicitor General Canada

SGC/95-1-R-L

#### **Transfer of Offenders Act Schedule**

The Transfer of Offenders Act enables Canada to negotiate multilateral and bilateral treaties with other countries to allow persons convicted of offences in foreign countries to serve their sentences in their home country. The Schedule to the Act lists those countries with whom Canada has concluded treaties. The amendment to the Schedule, a routine initiative, has appeared in previous regulatory plans and will continue to be undertaken each time a country ratifies a treaty with Canada respecting the Transfer of Offenders Act.

Few Canadians and fewer foreign nationals will be affected by the ratification of an agreement with Canada. The subsequent changes to the Schedule will ensure that all interested parties are made aware of these changes.

**Legal Authority:** Transfer of Offenders Act, section 23

**Status:** This is a recurring initiative.

**Contact:** Ian Blackie, Chief, Institutional Policy, Corrections Branch, Solicitor General Canada, 11th Floor, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel.: (613) 991-2802; Fax: (613) 990-8295.

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SGC/95-2-R-L

#### **Controlled Drugs and Substances Act**

The Controlled Drugs and Substances Act (currently Bill C-7) consolidates and replaces the Narcotic Control Act and parts III and IV of the Food and Drugs Act. The bill provides for the fulfilment of Canada's international obligations under the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and some aspects of the Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The bill also provides for the making of enforcement-related regulations on the recommendation of the Solicitor General. The proposed regulations will provide for specialized investigative techniques such as controlled deliveries and similar measures to support

implementation of the Act. The costs associated with the proposed regulations will add incrementally to the cost of RCMP and other police enforcement of the Act but should be outweighed by the benefits derived from enhanced enforcement.

**Legal Authority:** Controlled Drugs and Substances Act, subsection 54(2)

**Status:** This is a recurring initiative.

**Contact:** Ronald W. Dykeman, Senior Advisor, Enforcement Powers and Legislation, RCMP and Enforcement Policy Division, Police and Security Branch, Solicitor General Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel.: (613) 990-2633; Fax: (613) 991-9486.

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### National Parole Board

NPB/95-1-O-L

#### **Conditional Release and Detention Regulations**

The Corrections and Conditional Release Act, Part II, has replaced the Parole Act. Regulations to support implementation of the Act have been developed. However, it is anticipated that experience with the provisions of the new legislation may demonstrate the need for further regulatory initiatives in future to ensure that the purposes and principles enunciated in the Act are implemented effectively, fairly and efficiently.

**Legal Authority:** Corrections and Conditional Release Act

**Status:** This initiative appeared in the 1993 Regulatory Plan as NPB-1.

**Contact:** James E. Coflin, Director General, Policy, Evaluation and Audit Branch, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1. Tel.: (613) 954-6132; Fax: (613) 995-4380.

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NPB/95-2-O-L

#### **Pardon Application Fees Regulations**

Under the authority of section 19 of the Financial Administration Act, Pardon Application Fees Regulations may be introduced which would prescribe fees for pardon applications. Consultations on such fees have not yet been completed and will guide the development of a regulatory proposal. Any regulatory change in this area will respect the objectives of the pardons program and the particular situation of its clients.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This initiative appeared in the 1993 Regulatory Plan as NPB-2.

**Contact:** Donald Tully, General Director, Operations, Planning and Systems, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1.  
Tel.: (613) 954-7482; Fax: (613) 995-4380.

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## **Correctional Service Canada**

CSC/95-1-N-L

### **Administrative Segregation of Inmates**

It is sometimes necessary to remove inmates from the general population of a penitentiary either for their own safety, the safety of other persons or the security of the penitentiary. They are held in a special controlled area of the penitentiary that allows limited or no contact with other inmates until the factors that required them to be segregated are no longer present. Segregated inmates are entitled to have their cases reviewed by a board of penitentiary officials no more than five days after they are placed in segregation and at least every 30 days thereafter. Under this procedure, the inmates must receive notice of the review hearing at least three days prior to its being held, in order to have the opportunity to prepare their case. This three-day interval generally benefits the inmates, but there are occasions when it means that they spend a longer period in segregation than might otherwise be the case, particularly when the initial review by the board is likely to result a decision to release the inmates back to the general population.

To maintain this important procedural safeguard while allowing some flexibility, it is proposed that the Correctional and Conditional Release Regulations be amended to give inmates the option of waiving the three-day period, thus enabling the review hearing to be held sooner in some situations.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(g)

**Status:** This is a new initiative.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development Branch, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.  
Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-2-N-I

### **Offender Grievance Procedure**

Correctional Service Canada has an internal procedure that allows offenders to seek redress of their complaints on matters that are within the authority of the Service. The procedure currently consists of a complaint level and three levels for review of grievances, starting with the institution or parole office responsible for the offender and going up through the head of the region to the Commissioner of Corrections. While considered to provide a generally sound framework for addressing offenders' complaints, the system is marked by a degree of administrative inefficiency because of the many decision levels. This hinders timely resolution of problems often most effectively handled at the local level. To remedy this, it is proposed to: a) to eliminate the formal complaint level in favour of better use of informal conflict resolution strategies by front-line staff, and b) streamline the grievance process by eliminating the middle level, i.e., review by the regional head.

The start-up costs associated with training staff and automating information systems make this an intermediate-cost initiative. However, the enhanced informal resolution process is expected to lead to relative reductions in the number of formal grievances, thus easing administrative workloads and improving the system's overall efficiency.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(u)

**Status:** This is a new initiative.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development Branch, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.  
Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-3-N-I

### **Deductions from Inmates' Income and Trust Fund Accounts**

Current legislation and regulations allow Correctional Service Canada to make certain deductions from the pay that inmates receive through penitentiary employment. The purposes authorized for such deductions include the partial reimbursement of room and board costs and the repayment of other forms of indebtedness to the Crown. There is, however, no authority to make these types of deductions from income that inmates may receive from outside

employment or from other sources such as pensions. Furthermore, no provision exists to allow access to funds that are held in an inmate's trust account in order to satisfy such obligations as court-ordered family support payments.

Proposed amendments to the Corrections and Conditional Release Act will provide authority for room and board and other deductions from outside income. Regulations will specify the manner in which these deductions are to be administered. As well, regulations will define the conditions for garnishment of funds in inmate trust accounts to meet family support and other legal obligations.

**Legal Authority:** A proposed enabling amendment to section 78(2) of the Corrections and Conditional Release Act is pending.

**Status:** This is a new initiative.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development Branch, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.  
Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-4-N-L

## **Disposal of Goods and Services produced by CORCAN**

Current regulations state that goods and services produced by CORCAN (the special operating agency responsible for penitentiary industries) may be "transferred, leased, loaned or provided to" government agencies, charitable organizations and purchasers on the open market. A minor amendment specifying that "provided to" includes sale and rental will remove any possible ambiguity as to the authorized means of disposal of CORCAN products.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(s)

**Status:** This is a new initiative.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development Branch, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.  
Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-5-O-L

## **Disclosure of Information to Victims**

Under the current Corrections and Conditional Release Regulations, the authority to disclose

information to victims under section 26 of the Corrections and Conditional Release Act rests with Correctional Service Canada officials who are assigned specific responsibility for liaison with victims. This designation is too narrow. The officials responsible for coordinating victim liaison services are not normally the staff who, on a day-to-day basis, are contacted by victims requesting specific information about offenders. Such staff are located in institutions and parole offices, and have immediate access to the information being sought. It is therefore proposed that the authority for release of information to victims be included under the general authorization provisions of the Regulations, thereby enabling an operationally appropriate designation of staff members permitted to disclose information to victims to be made in Commissioner's directives.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(z.9)

**Status:** This initiative appeared in the 1994 Regulatory Plan as CSC-1.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-6-O-L

## **Searches of Inmates**

The current regulations set out the circumstances in which a staff member of the same sex as the inmate may conduct a routine strip search of the inmate for the purpose of detecting contraband or other unauthorized objects. These circumstances include the situation where an inmate is entering or returning to a penitentiary, but not that where he or she is leaving the institution.

The lack of authority to strip search an inmate leaving a penitentiary creates significant risks, particularly where the inmate is on an escorted temporary absence. It is possible for an inmate to conceal a weapon capable of being used against the escort which would be undetectable except through a strip search. It is therefore proposed to amend the Corrections and Conditional Release Regulations to correct this omission.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(l)(iii)

**Status:** This initiative appeared in the 1994 Regulatory Plan as CSC-7.



**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-7-O-L

### **Interception of Inmate Communications**

The Corrections and Conditional Release Act gives inmates a general right to have reasonable contact with persons outside the penitentiary, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

The Corrections and Conditional Release Regulations specify the conditions in which authorization may be given for letters to and from inmates to be opened and read, or their conversations either by telephone or during visits listened to. The terms of the Regulations have caused operational problems because they do not adequately take into account the differences between communications that occur within the institution, such as conversations between inmates and their visitors, and those in which one of the parties is outside the institution, as is the case with mail or telephone conversations. Visits occur within what is deemed to be the non-private environment of the penitentiary. The ability to monitor inmate-visitor conversations is essential because of the opportunity that they provide to arrange the smuggling of drugs or to plan other activities dangerous to the security of the institution. Not only are signs posted informing inmates and visitors that their conversations may be monitored, but a procedure is also being instituted to ensure both parties give written consent to this effect when applying for approval of visits. It is therefore proposed that the Regulations be amended to exclude visits from the restrictions that it sets out applying to interception of communications. However, visits between inmates and persons designated as enjoying a right of privilege (parliamentarians, legal counsel, etc.) would still be afforded appropriate protections.

**Legal Authority:** Corrections and Conditional Release Act, Subsection 96(z.7)

**Status:** This initiative appeared in the 1994 Regulatory Plan as CSC-4.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9 Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-8-O-L

### **Allowances to Released Offenders**

The Corrections and Conditional Release Regulations provide for the Service to grant an allowance to offenders on temporary absence, work release, parole or statutory release in order to enable them to meet their basic material needs and to comply with the requirements of their release plan. The current wording, however, makes it appear that the Service is obliged to pay an allowance in all cases, even when the offender may, through wages or other income, have the means to be completely self-supporting. This was not the intent, and it is proposed that the subsection be amended to clarify that the Service will grant an allowance in proportion to the offender's ability to contribute to meeting his or her expenses.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(f)

**Status:** This initiative appeared in the 1994 Regulatory Plan as CSC-5.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-9-O-L

### **Payment of Accidental Injury Compensation to Inmates or Former Inmates**

The Corrections and Conditional Release Regulations set out the manner in which an award of compensation for a disability is to be paid out under the inmate accident compensation scheme. Normally, an award of more than \$10,000 is disbursed in monthly payments, whereas an award in that amount or less is paid out as a lump sum. At the request of a claimant, however, an exception can be made to authorize a lump sum payout when the amount of compensation exceeds \$10,000, provided the claimant is no longer in custody. Such exceptions are conditional on a prior examination of the claimant's financial situation to determine whether payment of a lump sum would be to the advantage of the claimant.

There is concern that the claimant's financial situation is not the only factor that should be considered in deciding whether to approve a lump sum payment. Released inmates often undergo significant adjustment problems on their return to the community. Many are at risk of relapsing into drug or

alcohol abuse, and the availability of a large amount of money would simply precipitate such behaviour. It is therefore proposed that the Regulations be amended to include the consideration of the claimant's general social circumstances as well as financial situation.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(c)(vi)

**Status:** This initiative appeared in the 1994 Regulatory Plan as CSC-6.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 995-7461; Fax: (613) 995-3603.

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CSC/95-10-O-L

### **Classification of Inmates**

The Corrections and Conditional Release Regulations set out a basis for classifying penitentiary inmates as maximum, medium or minimum security. Mandatory criteria relating to risk of escape, risk to safety of the public and need for supervision and control within the institution are defined for each security level.

However, as formulated in the current regulations, these criteria do not acknowledge adequately the dynamic nature of the assessment. In particular, they assume that risk of escape and risk to the public can be assessed as independent variables. This has made it difficult in a number of cases to place inmates in the most appropriate security setting.

The service initially felt that the problem stemmed from the rigidity of the classification scheme, and consequently the proposal in the 1994 Regulatory Plan was to remove the relevant section of the Regulations altogether. Now, however, it is believed that the problem can be resolved by adjusting the criteria to make them better reflect the risk factors that are of critical importance in classification decisions.

**Legal Authority:** Corrections and Conditional Release Act, subsection 96(z.6)

**Status:** This initiative appeared in the 1994 Regulatory Plan as CSC-2.

**Contact:** Peter Maitland, Senior Project Manager, Policy, Planning and International Development, Correctional Service Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 995-7461; Fax: (613) 995-3603.

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## **Royal Canadian Mounted Police**

RCMP/95-1-O-L

### **RCMP Regulations, 1988 - Code of Conduct**

The RCMP Regulations, 1988 will be amended to provide greater specificity relating to contraventions of the Code of Conduct, as well as to provide a more structured code of conduct.

**Legal Authority:** Royal Canadian Mounted Police Act, section 38

**Status:** This initiative appeared in the 1994 Regulatory Plan as RCMP-1.

**Contact:** Supt. A.J. Gramolini, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2. Tel.: (613) 993-2720; Fax: (613) 952-0618.

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RCMP/95-2-O-L

### **RCMP Regulations, 1988 - Political Activity**

The RCMP Regulations, 1988 will be amended by the addition of provisions that will afford members of the Royal Canadian Mounted Police the right to participate in the political process as candidates in federal, provincial and municipal elections. Under this initiative, members will be given greater freedom to participate in day-to-day activities of political parties.

**Legal Authority:** Royal Canadian Mounted Police Act, section 38

**Status:** This initiative appeared in the 1994 Regulatory Plan as RCMP-4.

**Contact:** Supt. A.J. Gramolini, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2. Tel.: (613) 993-2720; Fax: (613) 952-0618.

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RCMP/95-3-N-L

### **RCMP Superannuation Regulations**

The RCMP plans to amend the RCMP Superannuation Regulations to add provisions for the recovery of excess benefits paid to annuitants. Amendments will also be introduced to add provisions to permit contributors, upon their return from a period of leave without pay, to contribute to the Superannuation Account in relation to the period of leave. These amendments will allow the RCMP Superannuation Regulations to conform with other federal superannuation regulations. Similar amendments will

be made to the RCMP Pension Continuation Regulations.

**Legal Authority:** RCMP Superannuation Act, section 26

**Status:** This is a new initiative.

**Contact:** Insp. M. Séguin, Compensation Policy and Systems Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel.: (613) 993-1418; Fax: (613) 993-0795.

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RCMP/95-4-N-L

### **RCMP Pension Continuation Regulations**

The RCMP plans to amend the RCMP Pension Continuation Regulations to add provisions for the recovery of excess benefits paid to annuitants. Amendments will also be introduced to add provisions to permit contributors, upon their return from a period of leave without pay, to make contributions to the Superannuation Account in relation to the period of leave. These amendments will allow the RCMP Pension Continuation Regulations to conform to other federal superannuation regulations. These amendments are similar to those which will be made to the RCMP Superannuation Regulations.

**Legal Authority:** RCMP Pension Continuation Act, section 20.1

**Status:** This is a new initiative.

**Contact:** Insp. M. Séguin, Compensation Policy and Systems Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel.: (613) 993-1418; Fax: (613) 993-0795.

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RCMP/95-5-N-L

### **RCMP Long Service Medal Regulations**

Members of the RCMP are issued medals in recognition of long service in the RCMP. The RCMP intends to amend the RCMP Long Service Medal Regulations to introduce a clasp for 40 years of service and to update the Regulations in order to conform with the RCMP Act and the RCMP Regulations, 1988.

**Legal Authority:** Royal Warrant to the Long Service Medals

**Status:** This is a new initiative.

**Contact:** Joan Proulx, Honours and Protocol Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel.: (613) 993-3582; Fax: (613) 993-0795.

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RCMP/95-6-N-L

### **RCMP Cost Recovery Regulations**

The RCMP is responsible for several cost-recovery regulations made pursuant to the Financial Administration Act. These regulations set the fees that must be paid by users of RCMP services other than law enforcement and public safety. These services include the issue of passports, search of criminal records for the purposes of security clearance, use of the Forensic Laboratories by private individuals, etc. These amendments allow the Solicitor General of Canada to exempt individuals or organizations from the payment of those fees.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This is a new initiative.

**Contact:** C. Costain, Directorate of Corporate Services, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel.: (613) 993-3638; Fax: (613) 993-4453.

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### **RCMP External Review Committee**

ERC/95-1-O-L

#### **RCMP External Review Committee Rules of Practice and Procedure**

The objective of this initiative is to clarify the Rules in light of concerns raised during the statutory review process concerning their precision. Users of the Rules should be better able to ascertain their meaning and scope. This initiative will also make a few minor changes to promote efficiency and economy and to further facilitate the review process.

**Legal Authority:** RCMP Act, section 29

**Status:** This initiative appeared in the 1994 Regulatory Plan as ERC-1.

**Contact:** Bernard Cloutier, Executive Director, RCMP External Review Committee, 60 Queen Street, Ottawa, Ontario, K1P 5R2. Tel.: (613) 990-1860;  
Fax: (613) 990-8969.

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### **Future Initiative**

#### **RCMP Regulations, 1988**

The RCMP Regulations, 1988 were introduced in June 1988 in conjunction with the proclamation of substantial amendments to the RCMP Act. These regulations are used for the management of the RCMP



and must be amended on an ongoing basis to reflect the ever-changing needs of the RCMP. The initiatives being developed are in relation to the discharge of members, the resignation of members and the reinstatement of suspended members. The reorganization of the RCMP may give rise to the need for further amendments relating to the administration of the force. The services the RCMP provides to foreign law enforcement agencies will also require some amendments to these regulations.

**Classification:** Low-cost initiative

**Contact:** Supt. A.J. Gramolini, Internal Affairs Branch,  
Royal Canadian Mounted Police, 1200 Vanier  
Parkway, Ottawa, Ontario, K1A 0R2.  
Tel.: (613) 993-2720; Fax: (613) 952-0618.

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## General Information

### Roles and Responsibilities

Transport Canada carries out its role through a complex structure which includes a headquarters and four operating groups — Marine, Aviation, Airports and Surface Transportation — as well as a number of Crown corporations and agencies with varying degrees of autonomy. Because the nature of the department's operations and activities are dynamic, Transport Canada regulatory activity is one of the largest and most complex among government departments.

The Policy and Coordination Group conducts substantive studies of the national transportation system in all its complexities and works with departmental components, the regulatory agency, and federal and provincial departments, as well as carriers and users of the transportation system, to revise and update legislation to reflect current Canadian realities.

The major regulation-making activities of the department result from aviation, airports, marine and surface organization responsibilities to provide and operate transportation facilities and services and to ensure compliance with operating or manufacturing standards and regulations. An important continuing aspect of these responsibilities is to ensure that the national transportation system meets the highest practicable safety standards.

Departmental components administer a multitude of charges, tariffs and fees, most of which are subject to ongoing review and revision to reflect such factors as changes in operating or administrative costs or the impact of changes in collective agreements.

The 1995 Federal Regulatory Plan is structured to reflect the organizational framework of the department. It recognizes differences in responsibilities, activities, enabling legislation and the segment of the transportation industry served.

The provision of certain ferry services is also part of the Minister's mandate. As well, the Crown corporation provisions of the Financial Administration Act have a significant impact on the interactions between CN, Marine Atlantic Inc., VIA Rail, the Canada Ports Corporation, other Crown corporations and the departmental administration.

The Minister is either the sole shareholder or the designated Minister responsible to Parliament for the following Crown corporations:

- Canada Ports Corporation and Local Port Corporations (7)
- Canadian National
- Marine Atlantic Inc.
- Pilotage Authorities (4)
- St. Lawrence Seaway Authority
- VIA Rail Canada

### Legislative Mandate

The major statutes under the jurisdiction of the Minister of Transport are the following:

- Aeronautics Act
- Airports Transfer (Miscellaneous Matters) Act
- Arctic Waters Pollution Prevention Act
- Atlantic Region Freight Assistance Act
- Canada Ports Corporation Act
- Canada Shipping Act
- Canadian National Railways Act
- Carriage by Air Act
- Carriage of Goods by Water Act
- Coasting Trade Act

- Department of Transport Act
- Government Railways Act
- Hamilton Harbour Commissioners Act
- Harbour Commissions Act
- Marine Atlantic Inc. Acquisition Act
- Marine Insurance Act
- Maritime Code Act
- Maritime Freight Rates Act
- Motor Vehicle Fuel Consumption Standards Act
- Motor Vehicle Safety Act
- Motor Vehicle Tire Safety Act
- Motor Vehicle Transport Act, 1987
- National Transportation Act, 1987
- Navigable Waters Protection Act
- Non-Smokers' Health Act
- Pilotage Act
- Public Harbours and Port Facilities Act
- Railway Act
- Railway Safety Act
- Railway Relocation and Crossing Act
- Safe Containers Convention Act
- St. Lawrence Seaway Authority Act
- Shipping Conferences Exemption Act, 1987
- Toronto Harbour Commissioners Act
- Transportation of Dangerous Goods Act, 1992
- Western Grain Transportation Act

## Initiatives for 1995

### Departmental Administration

#### Finance (Fees and Charges)

TC/95-1-R-M

#### Fees for Aviation Regulatory Services

Section 820 of the Air Regulations prescribes fees for aviation regulatory services that Transport Canada provides to aircraft manufacturers, aircraft owners and operators, as well as individuals active in the aviation sector.

The department reviews these fees periodically and may adjust them. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost for users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees.

**Legal Authority:** Aeronautics Act, subsection 4.4(2)

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-3850; Fax: (613) 990-6009.

TC/95C-2-R-M

#### Fees for Marine Regulatory Services

Transport Canada provides marine regulatory services to shipowners and operators, shipbuilders and personnel active in the marine sector. The regulatory services include inspection and certification of ships, port warden inspections, ship tonnage surveys, ship registration and certification of personnel. Fees for these services are stipulated under a number of regulations.

The department reviews these fees periodically. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost to users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees.

**Legal Authority:** Canada Shipping Act

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-3850; Fax: (613) 990-6009.

TC/95-3-R-M

#### Air Services Charges

The Air Services Charges Regulations set the charges for airport and en route services that Transport Canada provides to aircraft owners and operators.

The department reviews these fees periodically and may adjust them. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost to aircraft owners and operators, are not known at this time. However, the department will consult users will be consulted concerning any proposed changes to the fees.

**Legal Authority:** Aeronautics Act, subsection 4.4(2)

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery

Directorate, Transport Canada, Place de Ville,  
Tower C, 330 Sparks Street, Ottawa, Ontario,  
K1A 0N5. Tel.: (613) 990-3850; Fax: (613) 990-6009.

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TC/95-4-R-1

### **Coast Guard Radio Station Charges**

The Coast Guard Radio Station Communications Charges Order, 1994 prescribes the charges payable for maritime radiotelephone and radiotelegram services provided by Transport Canada's network of radio stations to link ships at sea with land-based communications systems such as telephone and telex. These charges apply only to the transmission of private messages, and not to safety-related communications.

The department reviews these fees periodically and may adjust them.

The levels of any increases, and the resulting increased cost to users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees.

**Legal Authority:** Financial Administration Act, section 19

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-3850; Fax: (613) 990-6009.

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TC/95-5-N-L

### **Consolidation of Fees for Marine Regulatory Services**

Fees for Marine regulatory services are prescribed under an array of different regulations. The consolidation of these fees was recommended in the 1992 Marine Regulatory Review Report as a way to reduce the administrative burden associated with multiple regulations. It would simplify and accelerate the regulatory process required to make amendments to the fees.

**Legal Authority:** Canada Shipping Act

**Status:** This is a new initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville,

Tower C, 330 Sparks Street, Ottawa, Ontario,  
K1A 0N5. Tel.: (613) 990-3850; Fax: (613) 990-6009.

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## **Security and Emergency Planning Group**

TC/95-6-O-1

### **Railway Security Regulations**

This initiative is intended to enhance the safety and security of the rail transportation system.

These regulations will authorize the Minister of Transport to prescribe security measures to be carried out by railway companies under normal and enhanced levels of threat. The Regulations and prescribed security measures should not result in significant additional costs to the industry under normal threat levels. Additional costs under enhanced threat conditions will depend on the nature and duration of the threats at hand. Costs to government will be those associated with monitoring and enforcement of the Regulations.

**Legal Authority:** Railway Safety Act, subsection 39(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-7.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 13th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-9619; Fax: (613) 996-6381.

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TC/95-7-O-1

### **Aerodrome Security Regulations**

The Aerodrome Security Regulations were promulgated in August 1987 and are the first regulations to govern security at airports in a comprehensive fashion. The department has initiated a review of the regulations and has determined that amendments are required to address issues that have arisen since their promulgation. Costs to industry (and to government in the case of Transport Canada airports) will be determined as proposals for amendment are developed. Other costs to government will be those associated with monitoring and enforcement of these regulations.

**Legal Authority:** Aeronautics Act, subsection 4.7(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-8.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 330 Sparks Street,



TC/95-8-O-I

### **Air Carrier Security Regulations**

The Air Carrier Security Regulations were promulgated in December 1987 and are the first regulations to govern air carrier security in a comprehensive fashion. The department has initiated a review of the Regulations and has determined that amendments are required to address issues that have arisen since their promulgation. Costs to industry will be determined as proposals for amendment are developed. Costs to government will be those associated with the monitoring and enforcement of these regulations.

**Legal Authority:** Aeronautics Act, subsection 4.7(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-9.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 13th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5.  
Tel.: (613) 990-9619; Fax: (613) 996-6381.

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TC/95-9-N-I

### **Marine Transportation Security Regulations**

This initiative is intended to enhance the safety and security of the marine transportation system. The Marine Transportation Security Act will provide the Governor in Council with the authority to make regulations and the Minister of Transport with the authority to formulate security measures and approve industry rules designed to: protect passengers, crew, goods, cargo, vessels, ports and other marine facilities; prevent unlawful interference with marine navigation; and ensure that appropriate action is taken where that interference occurs or is likely to occur. Regulatory requirements should not result in significant additional costs to the marine industry that currently complies with existing international voluntary standards. Most costs will be opportunity costs associated with contingency planning, training and conducting security exercises. Additional costs under elevated threat conditions will depend on the nature and duration of the threats at hand.

Costs to government will be those associated with monitoring and enforcement of the regulations, measures and rules. Regulatory requirements will be developed in full participatory consultation with

industry, using existing consultative mechanisms together with new structures as appropriate.

**Legal Authority:** Marine Transportation Security Act, section 5 (proposed legislation)

**Status:** This is a new initiative.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 13th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5.  
Tel.: (613) 990-9619; Fax: (613) 996-6381.

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### **Policy and Co-ordination Group**

TC/95-10-N-I

### **Extra-provincial Bus Accessibility Regulations**

These regulations will ensure that inter-city bus operators licensed to cross provincial and inter-provincial boundaries will provide a consistent level of accessibility for persons with disabilities.

These regulations will establish comprehensive performance measures governing services, equipment, terminals and training.

Widespread consultations have been conducted with all key stakeholder groups in the development of this regulation. Consideration was given to the views of consumers and advocates representing the disabled population, the industry, and provincial and territorial governments.

An amendment to the Motor Vehicle Transport Act will enable the Minister of Transport to make regulations for administration and enforcement by provinces and territories.

Preliminary costs have been determined. Until March 31, 1996, Transport Canada has a program that awards capital assistance toward the purchase of accessibility features to successful applicants. Provincial and territorial governments and the industry will absorb other costs.

Failure to enact this legislation will leave the disabled population without assurances that accessible inter-city bus services will be realized in a systematic and consistent manner.

**Legal Authority:** Motor Vehicle Transport Act, 1987

**Status:** This is a new initiative.

**Contact:** Les Kom, Director, Accessible Transportation, Policy and Programs Branch,

Coordination Directorate, Policy and Coordination,  
Transport Canada, Place de Ville, Tower C, 26th Floor,  
(ACCD), 330 Sparks Street, Ottawa, Ontario,  
K1A 0N5. Tel: (613) 991-6411; Fax: (613) 993-7930.

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TC/95-11-O-I

### **Aviation War Risks Insurance Regulations**

The Marine and Aviation War Risks Act authorizes the Minister of Transport to provide aviation war risk insurance adequate to meet the needs of Canadian air commerce and the federal government in the event that war risk insurance is commercially unavailable on reasonable terms and conditions.

The Act empowers the Minister to enter into an agreement with any person or association for the insurance or reinsurance against any or all war risks. New regulations are required to carry out the purposes and provisions of the Act.

The need for federal government involvement in war risk insurance is due to a number of factors: commercial war risk insurance policies contain automatic cancellation clauses in the event of major war; the geographical coverage of commercial war risk insurance can be restricted upon reasonable notice to air carriers; and rates for commercial war risk insurance can be raised without limit upon reasonable notice to air carriers.

To date, the Governor in Council has not passed any regulations pursuant to the Act and the Minister has not entered into any insurance or reinsurance agreements in the area of aviation. In the area of marine transportation, an agreement exists between the Minister and the Canadian Shipowners Mutual Assurance Association, a private company that carries on the business of marine insurance. Under this agreement, the Minister agrees to insure as reinsurer of the Association all vessels to which the Act applies.

This program will not involve any new costs or economic implications for the industry.

**Legal Authority:** The Marine and Aviation War Risks Act, section 4

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-14.

**Contact:** Brian Oliver, Senior Policy Advisor,  
Domestic Air Policy Branch, Air Policy and Programs  
Directorate, Transport Canada, Place de Ville,  
Tower C, 27th Floor, (ACEB), 330 Sparks Street,  
Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-3156;  
Fax: (613) 991-6445.

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TC/95-12-N-I

### **Computer Reservation Systems (CRS) Regulations**

The rules currently governing computer reservation systems operated in Canada are annexed to the July 1989 Consent Order issued by the Competition Tribunal that established the Gemini Group Limited Partnership.

On November 24, 1993, the Competition Tribunal issued an order that varies the 1989 Consent Order by dissolving the Gemini Group Limited Partnership, effective November 1994. Once the dissolution has been completed, there will be no reason for the continuation of the original Consent Order with attached CRS rules. In making its decision with respect to the dispute among the Gemini partners, the Tribunal took into account the commitment of the federal government to replace the Tribunal's CRS rules with regulations.

Replacement regulations are being drafted under the Aeronautics Act. They will ensure that air carriers offering passenger air services that are sold in Canada are guaranteed fair and neutral presentation of their air services in any computer reservation system operating in Canada for the purpose of displaying and selling these services.

The new regulations will also ensure that the travel agent and consumer have access to comprehensive, neutral information about passenger air services sold in Canada.

The regulations will not involve any new costs or economic implications for the industry.

**Legal Authority:** Aeronautics Act, section 4.9

**Status:** This is a new initiative.

**Contact:** Valérie Dufour, Director, Domestic Air Policy Branch, Air Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-6435; Fax: (613) 991-6445.

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TC/95-13-O-L

### **Basic Westbound Truck Regulations\***

The Atlantic Region Freight Assistance Regulations made pursuant to the Atlantic Region Freight Assistance Act will be revoked and replaced.

The new regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of

actual shipping documents. They will also remove the requirement for carriers to file tariffs with regulatory bodies and will make specific reference to contribution agreements to facilitate carrier submission of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements.

\* The title was changed to clarify area of application.

**Legal Authority:** Atlantic Region Freight Assistance Act, subsection 3(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-15.

**Contacts:** Phil Ventura, Director, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1918; Fax: (613) 998-2686.

Lorne Mitton, Acting Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton, New Brunswick, E1C 9L5. Tel.: (506) 851-6697; Fax: (506) 851-7105.

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TC/95-14-O-L

### **Selective Westbound Regulations\***

The Atlantic Region Selective Assistance Regulations made pursuant to the Atlantic Region Freight Assistance Act will be revoked and replaced.

The new regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents. They will also remove the requirement for carriers to file tariffs with regulatory bodies and will make specific reference to contribution agreements to facilitate carrier submission of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements.

\* The title was changed to clarify area of application.

**Legal Authority:** Atlantic Region Freight Assistance Act, subsection 3(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-16.

**Contacts:** Phil Ventura, Director, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1918; Fax: (613) 998-2686.

Lorne Mitton, Acting Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton, New Brunswick, E1C 9L5. Tel.: (506) 851-6697; Fax: (506) 851-7105.

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TC/95-15-O-L

### **Intra Selective Assistance Regulations\***

The Atlantic Regional Special and Provisional Assistance Regulations made pursuant to the Atlantic Region Freight Assistance Act will be revoked and replaced.

The new regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents. They will also remove the requirement for carriers to file tariffs with regulatory bodies and will make specific reference to contribution agreements to facilitate carrier submissions of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements.

\* The title was changed to clarify area of application.

**Legal Authority:** Atlantic Region Freight Assistance Act, subsection 3(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-17.

**Contacts:** Phil Ventura, Director, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1918; Fax: (613) 998-2686.

Lorne Mitton, Acting Director, Atlantic Region, National Transportation Agency, P.O. Box 6080,



Moncton, New Brunswick, E1C 9L5.  
Tel.: (506) 851-6697; Fax: (506) 851-7105.

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TC/95-16-O-L

### **Basic Westbound Rail Regulations\***

It is proposed to issue regulations pursuant to the Maritime Freight Rates Act, to enhance and expedite administration of the Act.

These regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents, and will make specific reference to contribution agreements to facilitate carrier submission of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements.

\* The title was changed to clarify area of application.

**Legal Authority:** Maritime Freight Rates Act, subsection 8(4)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-18.

**Contacts:** Phil Ventura, Director, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1918; Fax: (613) 998-2686.

Lorne Mitton, Acting Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton, New Brunswick, E1C 9L5. Tel.: (506) 851-6697; Fax: (506) 851-7105.

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TC/95-17-O-L

### **Railway Passenger Service Contract Regulations**

The Railway Passenger Service Contract Regulations took effect in 1977 when VIA Rail was first established. The Regulations stipulated the terms and conditions governing contracts between the government and VIA, and between VIA, Canadian National and Canadian Pacific, for the provision of rail passenger services.

During the past 17 years, conflicts have arisen between the spirit and intent of the Regulations and

the related contract arrangements, which in turn has resulted in uncertainty, tardiness and a failure to meet formal objectives in the management of the VIA program. On several occasions the Auditor General has examined these shortcomings and recommended that remedial action be taken.

Since events have overtaken the usefulness of the Regulations and in some instances rendered them redundant, Transport Canada will seek to have these regulations revoked.

**Legal Authority:** Transport Vote 30

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-19.

**Contact:** Luisa Sgobba, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, (ACGB), 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1888; Fax: (613) 998-6286.

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TC/95-18-N-L

### **Driver's Hours of Service Regulations**

The Federal Hours of Service Regulations govern the maximum driving times of commercial bus and truck drivers employed or otherwise engaged in extra-provincial transportation (carriers operating intra-provincially are governed by similar provincial regulations). These regulations also require drivers to keep a record of their daily driving and other work activities in a prescribed format (a driver's logbook) and to make those records available for inspection by designated enforcement officials upon request.

Drivers, carriers and enforcement officials are continually proposing changes to the Regulations to address problem areas and to make them easier to understand and enforce. The Compliance and Regulatory Affairs (CRA) Committee of the Canadian Council of Motor Transport Administrators (CCMTA) must first review and assess any proposed change to ensure it meets provincial requirements. Once approved, all jurisdictions must revise their respective regulations to adopt the change, so that federal and provincial regulations remain uniform. A CCMTA Task Force is also reviewing the Regulations on a continuing basis and any approved changes will be brought before the CRA committee for consideration. Other stakeholders will be made aware of proposals for revised regulations through notices in the *Canada Gazette*.

The economic impact of the changes proposed by this regulatory initiative is expected to be minimal unless

changes are made to the daily or weekly driving limits, which could result in significant cost savings to the Canadian trucking industry.

This initiative was published in Part I of the *Canada Gazette* on February 5, 1994.

**Legal Authority:** Motor Vehicle Transport Act, 1987, subsection 3(1)

**Status:** This is a new initiative.

**Contact:** Milton House, Chief, Motor Carrier Policy and Regulations, Motor Carrier Policy and Programs Branch, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1905; Fax: (613) 998-2686.

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TC/95-19-N-L

### **Truck Licensing Amendments**

Amendments to the Extra-Provincial Truck Undertaking Licensing Regulations, designed to clarify the intent of sections dealing with the licensing process and to eliminate cargo insurance exemptions, have been undertaken, primarily at the request of the Standing Joint Committee for the Scrutiny of Regulations. Although the amendments were begun in 1994, the amending process may carry over into 1995.

The economic impact of the changes will be minimal. The changes to the cargo insurance requirements may add some additional insurance costs for bulk haulers.

**Legal Authority:** Motor Vehicle Transport Act, 1987, section 9

**Status:** This is a new initiative.

**Contact:** Derek Sweet, Director, Motor Carrier Policy and Programs, Surface Policy and Programs Directorate, Transport Canada, Place de Ville, Tower C, 27th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1914; Fax: (613) 998-2686.

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### **Canada Ports Corporation**

TC/95-20-R-L

#### **Harbour Dues Tariff By-law**

Harbour dues by-laws made pursuant to the Canada Ports Corporation Act (C.R.C. 1978, c. 1063, SOR/84-428, SOR/85-107, SOR/84-416, SOR/87-174, SOR/85-988 and C.R.C. 1978, c.1082 as amended) impose a toll on vessels coming into the harbours under the administration or jurisdiction of Canada Ports

Corporation at Belledune, Baie des Ha! Ha!, Saguenay, Sept-Îles, Trois-Rivières, Port Colborne, Prescott and Churchill and the harbours under the administration or jurisdiction of Halifax, Montreal, Port of Quebec, Prince Rupert, Saint John, St. John's and Vancouver Port Corporations.

These tolls are reviewed annually and may be revised to reflect inflation.

**Legal Authority:** Canada Ports Corporation Act, section 39 and schedule I, section 13

**Status:** This is a recurring initiative.

**Contacts:** Roza Aronovitch, Vice-President, Legal Services, Canada Ports Corporation, 99 Metcalfe Street, Ottawa, Ontario, K1A 0N6. Tel.: (613) 957-6723; Fax: (613) 957-6705.

David F. Bellefontaine, President and Chief Executive Officer, Halifax Port Corporation, Ocean Terminals, Halifax, Nova Scotia, B3J 2P6. Tel.: (902) 426-3643; Fax: (902) 426-9277.

Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5. Tel.: (514) 283-7042; Fax: (514) 283-7019.

Ross Gaudreault, President and Chief Executive Officer, Port of Quebec Corporation, 150 Dalhousie Street, Quebec, Quebec, G1K 7P7. Tel.: (418) 648-3558; Fax: (418) 648-4160.

Don Krusel, General Manager and Chief Executive Officer, Prince Rupert Port Corporation, 110-3rd Avenue West, Prince Rupert, British Columbia, V8J 1K8. Tel.: (604) 627-7545; Fax: (604) 627-7101.

Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, Saint John, New Brunswick, E2L 4R8. Tel.: (506) 636-4869; Fax: (506) 636-4443.

David J. Fox, Port Manager and Chief Executive Officer, St. John's Port Corporation, 3 Water Street, St. John's, Newfoundland, A1C 5X8. Tel.: (709) 772-4582; Fax: (709) 772-4689.

Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9. Tel.: (604) 666-8966; Fax: (604) 666-8916.

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TC/95-21-O-1

### **Vancouver Harbour Dues By-law**

This by-law will impose a toll on vessels coming into Vancouver harbour and will replace and revise the same toll currently imposed under the Pacific Harbour Dues Tariff By-law (C.R.C. 1978, c. 1082 as amended). This by-law will be similar to the existing by-law, but certain exemptions from the toll may be eliminated. This is an administrative change and is expected to have minimal cost impact on the industry.

**Legal Authority:** Canada Ports Corporation Act, Schedule I, section 13

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-22.

**Contact:** Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9. Tel.: (604) 666-8966; Fax: (604) 666-8916.

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TC/95-22-O-1

### **Montreal Harbour Dues By-law**

This by-law will impose a toll on vessels coming into Montreal harbour and will replace and revise the same tolls currently imposed under the Harbour Dues Tariff By-law (C.R.C. 1978, c. 1063 as amended). This is an administrative change and is expected to have minimal cost impact on the industry.

**Legal Authority:** Canada Ports Corporation Act, Schedule I, section 13

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-23.

**Contact:** Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5. Tel.: (514) 283-7042; Fax: (514) 283-7019.

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TC/95-23-N-L

### **Canada Ports Corporation Operating By-law**

Vancouver Port Corporation is considering seeking the amendment of certain provisions of the Canada Ports Corporation Operating By-law (C.R.C. 1978, c. 1064 as amended) which currently prohibit gambling (s.19), the consumption or sale of alcoholic beverages (s.18) or the acceptance of gratuities (s.20) on property administered by the Vancouver Port Corporation.

**Legal Authority:** Canada Ports Corporation Act, subsection 27(1) and Schedule I, section 13

**Status:** This is a new initiative.

**Contact:** Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9. Tel.: (604) 666-8966; Fax: (604) 666-8916.

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### **St. Lawrence Seaway Authority**

TC/95-24-O-L

#### **Seaway Regulations**

The Regulations will be updated to reflect current operational requirements. The proposed changes are mainly of an administrative nature and are not expected to have a significant impact on users of the system.

**Legal Authority:** The St. Lawrence Seaway Authority Act, section 20

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-25.

**Contact:** Norman B. Williams, Counsel, The St. Lawrence Seaway Authority, 1400-360 Albert Street, Ottawa, Ontario, K1R 7X7. Tel.: (613) 598-4605; Fax: (613) 598-4620.

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### **Airports Group**

TC/95-25-R-1

#### **Airport Vehicle Parking Charges Regulations - Fee Changes**

The Airport Vehicle Parking Charges Regulations prescribe the fees to be charged for public vehicle parking at certain Transport Canada airports. Amendments will be proposed on an annual basis (September) in order to implement charges, to adjust existing charges to conditions at specific locations or to adjust rates to changes in government policy.

Parking fees may rise at certain airports. The fees would be structured to compare to those currently charged at similar parking facilities in the area served by the airport. These amendments will result in a net increase in revenue of approximately \$0.2 million per year (3.5 per cent) per applicable airport. The proposed fees could range from a reduction of 60 per cent to an increase of 71 per cent.

**Legal Authority:** Aeronautics Act, subsection 4.4(2)



**Status:** This is a recurring initiative.

**Contact:** Vivian Wheeler, Product Analyst, Ground Transportation, Ground Transportation and Parking Branch, Commercial Development and Marketing Directorate, Transport Canada, Place de Ville, Tower C, 20th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-3687; Fax: (613) 990-8889.

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TC/95-26-R-1

### **Airport Ground Transportation Fees Regulations**

The Airport Ground Transportation Fees Regulations prescribe the fees to be charged for the privilege of providing a ground transportation service at a particular airport. The last amendment was published in the *Canada Gazette*, Part II on June 15, 1994.

Amendments will have a minimal impact on the public at large but may affect some of the operators who provide service at a particular airport.

Although it is not known in advance which permit fees at which airports will require changes, it is expected that an amendment to the Regulations will be required each year for one or more airports. The requirement for amendments is dictated by varying local situations. There could be a need to introduce, change or delete fees charged to ground transportation operators, depending on the situation at a particular airport.

The amendments may result in the recovery of a greater proportion of costs incurred by the department in providing ground transportation facilities at a particular airport, may more equitably distribute the costs among the operators at an airport or may indicate a change in authorizing commercial activity, but result in no increase in revenue to the department.

**Legal Authority:** Aeronautics Act, subsection 4.4(2), Ministerial Regulations Authorization Order, section 2

**Status:** This is a recurring initiative.

**Contact:** Vivian Wheeler, Product Analyst, Ground Transportation, Ground Transportation and Parking Branch, Commercial Development and Marketing Directorate, Transport Canada, Place de Ville, Tower C, 20th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-3687; Fax: (613) 990-8889.

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TC/95-27-N-L

### **Government Airport Concession Operations Regulations (GACORs)**

The Government Airport Concession Operations Regulations (GACORs) state that no person may conduct a business at an airport without the Minister's written permission. However, there is an exception to this principle. Operators of commercial passenger vehicles may pickup passengers at most airports without such permission providing that arrangements for the pick-up were made prior to the arrival of the vehicle at the airport. This exception limits the airport manager's ability to manage activities at the curb and to maximize the airport's commercial potential. Transport Canada intends to amend the GACORs to allow airport managers to authorize these pick-ups and require the payment of fees.

The economic impact on the operators will be determined by the level of fees paid by these operators at the airport.

**Legal Authority:** Department of Transport Act, sections 16 and 17

**Status:** This is a new initiative.

**Contact:** Catherine Major, Manager, Air Terminal Building Complex, Commercial Development and Marketing Directorate, Transport Canada, Place de Ville, Tower C, 20th Floor, Ottawa, Ontario, K1A 0N8. Tel.: (613) 991-4709; Fax: (613) 990-8889.

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TC/95-28-O-L

### **Airport Traffic Regulations - Administrative Amendments**

The Airport Traffic Regulations provide direction for the operation and control of motor vehicles, aircraft and equipment, the movement of pedestrians, the control of domestic animals, and related activities at airports.

As a result of an administrative evaluation and review of airport traffic requirements, Transport Canada has identified the need for a number of amendments to permit it to effectively enforce the Regulations.

There are no revenue increases or direct cost increases associated with these regulatory amendments.

**Legal Authority:** Government Property Traffic Act; Department of Transport Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-28.

**Contact:** Richard J. Liberty, Chief, Airside Operations, Safety and Technical Services Directorate, Transport Canada, Place de Ville, Tower C, 18th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1418; Fax: (613) 990-9589.

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## **Aviation Group**

TC/95-29-O-1

### **General Operating and Flight Rules Regulations - Canadian Aviation Regulations, Part VII**

No. 600 - General Provisions; No. 601 - Airspace; No. 602 - Operating and Flight Rules; No. 603 - Special flight Operations; No. 604 - Transport of Passengers in Private Aircraft; No. 605 - Aircraft Requirements; No. 606 - Miscellaneous. These regulations are part of the review and revision of the aeronautics legislation currently being carried out by the department. They consolidate various regulations, orders, and departmental policies and practices that govern an individual's conduct while operating an aircraft. The part incorporates the following publications: AIP (Aeronautical Information Publication) Canada, Airworthiness Manual, Canada Air Pilot, Canada Flight Supplement, Designated Airspace Handbook, Engineering and Inspection Manual, Manual of All Weather Operations, and the Personnel Licensing Handbook. Amendments are expected to be made to these publications.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry — the main sector of the economy that will be affected — has been extensively consulted on this initiative and, in particular, on all proposed changes.

**Legal Authority:** Aeronautics Act, section 4.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-30.

**Contacts:** Don McDonald, Regulatory Renewal Project, Legislation and Compliance Branch, Aviation Regulation Directorate, Transport Canada, Narono Building, 6th Floor, 360 Laurier Avenue West (-ARZ), Ottawa, Ontario, K1P 5K3. Tel.: (613) 991-3993; Fax: (613) 991-4069.

M. Dean Broadfoot, Chief, Air Navigation Policies and Standards Division, Air Navigation System Requirements Branch, Air Navigation System Directorate, Transport Canada, Place de Ville, Tower C, 9th Floor, (AANDD), 330 Sparks Street,

Ottawa, Ontario, K1A 0N8. Tel.: (613) 991-9921; Fax: (613) 991-7416.

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TC/95-30-O-1

### **Commercial Air Services Regulations - Canadian Aviation Regulations, Part VII**

No. 700 - General Provisions; No. 701 - Balloon Operations; No. 702 - Aerial Work Operations; No. 703 - Air Taxi Operations; No. 704 - Commuter Operations; No. 705 - Airline Operations; No. 706 - Air Operator Maintenance Requirements; No. 707 - Foreign Operations. These regulations form part of the review and revision of the aeronautics legislation currently being carried out by the department. They consolidate existing regulations, orders and departmental policies relating to the certification and operation of commercial air services. The part incorporates the following publications: Air Carrier Check Pilot Manual, Airworthiness Manual, Canada Air Pilot, Designated Airspace Handbook, and the Personnel Licensing Handbook. Amendments are expected to be made to these publications.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry — the main sector of the economy that will be affected — has been extensively consulted on this initiative and, in particular, on all proposed changes.

**Legal Authority:** Aeronautics Act, section 4.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-31.

**Contact:** Don McDonald, Regulatory Renewal Project, Legislation and Compliance Branch, Aviation Regulation Directorate, Transport Canada, Narono Building, 6th Floor, 360 Laurier Avenue West (-ARZ), Ottawa, Ontario, K1P 5K3. Tel.: (613) 991-3993; Fax: (613) 991-4069.

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TC/95-31-O-L

### **Air Regulations, Series I, Nos. 1, 2 and 3; Series II, Nos. 1, 2, 3 and 4; Series III, Nos. 1 and 2**

These regulations will be amended by changing them from series to parts of the Canadian Aviation Regulations. They will be renumbered and reformatted. Sections 100, 101, 102, 103, 104, 805, 807, 808, 809, 811, 818, 819 and 820 of the Air Regulations will be incorporated into Part I.

These are housekeeping amendments and no other alternatives were considered.

**Legal Authority:** Aeronautics Act, section 4.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-35.

**Contact:** Grant Mazowita, Director, Legislation and Compliance Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, Room 540 (AARB), 200 Kent Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1224; Fax: (613) 990-1198.

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TC/95-32-N-L

### **Personnel Licensing and Training Regulations - Canadian Aviation Regulations, Part IV**

No. 400 - General Provisions; No. 401 - Flight Crew Licensing; No. 402 - Air Traffic Controller Licensing; No. 403 - Aircraft Maintenance Engineer Licensing; No. 404 - Medical Requirements; No. 405 - Flight Training Units; No. 406 - Flight Crew Training. These regulations form part of the review and revision of aeronautics legislation currently being carried out by the department. They will prescribe the requirements for the licensing of aviation personnel and set out the privileges of the various permits, licences and ratings. They will also prescribe the medical fitness requirements for the issue of licence validation certificates to holders of, and applicants for, flight crew and air traffic controller licences.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry — the main sector of the economy that will be affected — has been extensively consulted on this initiative and, in particular, on all proposed changes.

As these regulations form part of the current review and revision of aeronautics legislation, there is no other practical alternative.

**Legal Authority:** Aeronautics Act, section 4.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Larry V. Cundy, Chief, Personnel Licensing, Aviation Licensing Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor (AARRB), 200 Kent Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 993-9456; Fax: (613) 990-6215.

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TC/95-33-N-L

### **Airworthiness Regulations - Canadian Aviation Regulations, Part V**

No. 500 - General Provisions; No. 501 - Annual Airworthiness Information Report (AAIR); No. 503 - Consultation Procedures; No. 507 - Flight Authorizations; No. 509 - Export Certification; No. 511 - Type Approvals; No. 513 - Design Approval; No. 516 to 543 - Airworthiness Standards; No. 549 - Amateur Built Aircraft; No. 551 to 557 - Airworthiness Operational Requirements; No. 561 - Manufacture of Aeronautical Products; No. 563 Distribution of Aeronautical Products; No. 571 - Maintenance of Aeronautical Products; No. 573 - Approved Maintenance Organizations; No. 591 - Service Difficulty Reporting; No. 593 - Airworthiness Directives. These regulations are part of the review and revision of the aeronautics legislation currently being carried out by the department. They will revise, consolidate, update and augment material contained in existing regulations, air navigation orders, standards and practices, in order to reflect advances in technology and experience with respect to the design, manufacture, distribution, approval, certification and maintenance of aeronautical products.

These regulations will promote safety and increase the efficiency of the Canadian airworthiness regulatory system. They will create greater similarities between the Canadian airworthiness regulatory system and those of other states which, in an international industry, should promote greater efficiency in both public- and private-sector relations.

Transport Canada will consult the industry prior to publication in the *Canada Gazette*.

As these regulations form part of the current review and revision of aeronautics legislation, there is no other practical alternative.

**Legal Authority:** Aeronautics Act, section 4.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor, 200 Kent Street (AARDH), Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-2738; Fax: (613) 996-9178.

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## Airport Zoning Regulations

These regulations or amendments address problems of radio interference; limit the height of buildings, structures and objects, including objects of natural growth; and prohibit waste disposal sites on lands adjacent to, or in the vicinity of, the airports. Initiatives are planned for the following locations: Burwash, Cartierville, Cornwall, Dawson, Edmonton, Faro, Fort Frances, Fort Liard, Fort Resolution, Geraldton, Goderich, Haines Junction, Hamilton, Holman, Kingston, London, Macdonald-Cartier, Mayo, Montreal (Dorval), Nanaimo, Oro-Barrie-Orillia, Lester B. Pearson, Penticton, Pickering, Princeton, Qualicum Beach, Sachs Harbour, St. John's (Nfld.), St. Thomas, Sioux Lookout, Stratford, Thunder Bay, Toronto Island, Tuktoyaktuk, Vernon, Windsor and Wrigley.

These regulations or amendments only affect those landlords who hold property adjacent to, or in the immediate vicinity of, the airports and have no impact on the general society or the economy. The impact will be increased safety for aircraft manoeuvring in the vicinity of the airport.

**Legal Authority:** Aeronautics Act, section 5.4

**Status:** This is a recurring initiative.

**Contact:** Michael G. Redmond, Senior Law Clerk, Legal Services, Transport Canada, Canada Building, Minto Place, Room 469, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5794; Fax: (613) 990-5777.

## Designated Provisions Regulations - Air Regulations Series I, No. 3

The Designated Provisions Regulations designate those regulations and orders made pursuant to the Aeronautics Act that may be enforced by means of an administrative monetary penalty assessed by the Minister of Transport. A person or corporation that contravenes any provision of the Air Regulations, Air Regulations Series or Air Navigation Orders designated in the Designated Provisions Regulations may be liable to pay a maximum penalty of \$5,000 in the case of an individual and \$25,000 in the case of a corporation, or such lesser amount as may be listed in Columns I or II of the Regulations. It is not permitted to proceed against this person or corporation by way of summary conviction for contravention of a designated provision. However, the person or

corporation may ask the independent Civil Aviation Tribunal to review the Minister's decision to assess a penalty. The penalty is a quick, effective and fair remedy for non-compliance. A graduated scale has been established that sets the amounts for first and second offenses.

The Designated Provisions Regulations will be amended frequently as offence-creating provisions of the new Canadian Air Regulations come into force during the next fiscal year.

**Legal Authority:** Aeronautics Act, subsection 7.6(1)

**Status:** This is a recurring initiative.

**Contact:** Ross K. Beck, Manager, Regulatory Compliance Policy and Programs, Legislation and Compliance Branch, Aviation Regulations Directorate, Transport Canada, Centennial Towers, 5th Floor, 200 Kent Street, Ottawa, Ontario, K1A 0N8  
Tel.: (613) 990-1189; Fax: (613) 990-1198.

## Marine Group

### Canadian Coast Guard (CCG)

#### REPORT ON THE 1992 MARINE REGULATORY REVIEW

In 1992, the Canadian Federal Budget Statement directed a "department-by-department review of existing regulations to ensure that the use of government regulatory powers results in the greatest prosperity for Canadians." In the Marine sector of Transport Canada, an internal team of Coast Guard staff representing the different regions and directorates was formed to undertake an in-depth review of all existing CCG regulations, taking into account the stakeholders' responses to the Minister's request for input to the regulatory review. An external Marine Advisory Panel was also formed, comprised of 10 knowledgeable individuals representative of industry, labour and public interests, to assess the value and impact of these regulations on Canadian industry, labour, the general public and the environment. In addition, the Panel challenged the results of the internal review performed by the CCG Regulatory Review Team.

Stakeholders, comments formed an important part of the Marine Regulatory Review analysis. These comments focused on: the impact of regulations on Canadian industry and the need for further harmonization with the United States and international organizations such as the International Maritime Organization (IMO); the need for an

improved and streamlined regulatory process to allow Canadian regulations to incorporate standards and other documents by reference, as well as to respond quickly to technological change; the need to update and modernize the Canada Shipping Act; and the need for further cost-benefit analysis before the promulgation of new and amended regulations.

The Marine Advisory Panel, after meeting six times between September 1992 and March 1993, submitted its report to the Minister of State for Transport in April 1993. Copies of the report were distributed to members of the Canadian Marine Advisory Council (CMAC) at its November 1993 meeting. The report details the recommendations concerning both the 113 sets of CCG regulations and important Coast Guard policy issues. In addition to these recommendations, the Marine Advisory Panel observed that: the Coast Guard lacked a consistent approach to regulation-making and that the cumbersome and protracted federal regulatory process prevented the Coast Guard from responding to technological changes and client concerns on a timely basis; international conventions were inconsistently applied in regulations; and standards (international, foreign, Canadian, and Coast Guard) should replace the technical detail currently contained in regulations.

The Coast Guard is currently implementing the recommendations involving the 113 regulations, a process that will be completed in the next five years. In addition to specific regulatory changes, the Coast Guard is studying the following five policy issues that affect the CCG regulatory workload:

1. Review of the Delegation of Ship Inspection issue is complete and a report was submitted to the Commissioner of the Coast Guard. Consultation with the affected industry has been undertaken and a report was submitted to the Minister of Transport in the fall of 1994. The next steps are yet to be determined.
2. The study into converting of technical detail in Coast Guard regulations to standards, and incorporating them by reference, has been broadened to include the development of a regulatory framework to guide the marine regulatory program. This framework will establish the fundamental principles of the Coast Guard regulatory program and provide a more consistent approach to regulation-making, thereby facilitating the development and incorporation of standards for Marine regulation.
3. The development of a Canadian Coast Guard policy vis-à-vis the International Maritime Organization

(IMO) has also been expanded. This study is now looking at developing a policy (and permanent office) to guide all Coast Guard involvement in international bodies, by consulting with various Coast Guard and Transport Canada groups, as well as other departments (Environment Canada, Foreign Affairs and International Trade Canada, Justice Canada), industry groups and interested associations.

4. With respect to the recommendation in the Regulatory Review to revise and modernize the Canada Shipping Act, an implementation plan has been developed, in addition to a discussion paper outlining proposed revisions in the first phase. A sequential revision of each part of the Act over the next decade has been proposed.
5. The review of the Canadian Marine Advisory Council (CMAC) has already produced some changes to the CMAC process and structure. In particular, the regions have adopted a process of continuous consultation under the direction of the regional CMAC. This continuous consultation process is anticipated to be more manageable and efficient, as it helps to solve issues at the regional level, rather than continually attempting to resolve all issues at the national CMAC meetings.

In addition to implementing the specific recommendations of the Marine Regulatory Review, the Coast Guard has begun work on the problems associated with its portion of the protracted federal regulatory process. Internally, the Coast Guard has refined its regulatory process and added a number of review mechanisms. Specifically, the Coast Guard has:

- developed a regulatory assessment methodology to be applied to every Coast Guard regulatory initiative, as a front-end assessment mechanism and regulatory filter;
- maintained the CCG regulatory review team to facilitate clearly justified regulatory priorities, and to ensure that the principles of the Regulatory Review continue to guide the Marine regulatory program;
- established a monitoring and tracking system to highlight the problem areas and bottlenecks in the regulatory process, and to minimize delays in response times; and
- initiated a study into the increased use of standards and other documents for incorporation by reference in regulation.

With respect to the external regulatory process, Transport Canada has formed a joint working group with Justice Canada to discuss improvements. As a



result of these discussions, a Regulations Unit has been established to conduct the legal examination of Marine regulations. The Regulations Unit performs both the preliminary examination that the Departmental Legal Services Unit provided in respect of regulations and the Privy Council Office (Justice) function of examination under the Statutory Instruments Act. It is anticipated that the presence of this group on site will facilitate the development and examination of regulations by enabling close day-to-day contact between the Justice lawyers and the officials of Transport Canada.

Transport Canada, together with Justice lawyers, will also be considering the use of "plain language" (or language that is understandable by the regulated public) in regulations; the increased use of omnibus amendments to expedite the regulatory amendment process; and alternative approaches to bilingual drafting.

The study into the use of standards and the development of a modern regulatory framework, mentioned previously, is expected to produce improvements to the marine regulatory program, as the framework will:

- describe the goals and objectives of the ship safety regulatory program, including the commitment to safety, the involvement, consultation of the marine community, and the competitiveness of the marine industry;
- provide a consistent approach to regulation-making, to the benefit of both the drafters and users; and
- articulate a policy of harmonization with the regulations of other countries and international organizations.

Copies of the 1992 Marine Regulatory Review Report are available by calling: Martyn Howard (613) 990-5915, Debbie Dagenais (613) 990-3092 or writing: Michel Berthiaume, Marine Legislation, Canadian Coast Guard, Canada Building, 5th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7

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TC/95-36-O-I

## Certification Regulations

These regulations are required as a result of amendments to the Canada Shipping Act. They will also implement the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. All current regulations dealing with qualifications for ships' personnel are to be revoked and their provisions

amended to reflect the above convention. The existing regulations will be consolidated into these Certification Regulations.

As these new regulations are largely a consolidation of existing regulations, changes are limited to those provisions that implement the Convention and that are not presently a feature of the Canadian crew certification system. This regulatory initiative is designed to increase the safety of ship operations by improving the qualifications and proficiency of key crew members. The total estimated cost to government and industry of these additional measures is \$23.5 million over a five-year period, or approximately \$4.7 million annually.

**Legal Authority:** Canada Shipping Act, sections 124 and 126

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-37.

**Contact:** John G. Daniels, Director, Marine Crews and Training Branch, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 11th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7.  
Tel.: (613) 991-3117; Fax: (613) 998-0637.

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TC/95-37-O-L

## Crewing Regulations (Manning Regulations)

These regulations are required as a result of amendments to the Canada Shipping Act. In concert with the revision of the Certification Regulations, all four current regulations dealing with the manning of ships and the carriage of those certificated persons are to be revoked and their provisions consolidated in these regulations. These regulations will also address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

As these new regulations are almost wholly a consolidation of existing provisions, there will be no significant social impact or economic cost.

**Legal Authority:** Canada Shipping Act, sections 109, 110, 112, 338 and 562.1

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-38.

**Contact:** John G. Daniels, Director, Marine Crews and Training Branch, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 11th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7.  
Tel.: (613) 991-3117; Fax: (613) 998-0637.

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TC/95-38-O-I

## **Medical Examination of Seafarers Regulations**

These regulations are a revision of existing regulations to reflect obligations respecting the medical examinations associated with the issue of masters, mates, engineers and ratings qualifications under the Convention on Standards of Certification, Training and Watchkeeping (STCW), and to maintain obligations under the International Labour Organization's Convention No. 73. The medical examination standards associated with these regulations have also been revised to reflect current industrial circumstances and rights legislation.

The annual cost to each seafarer will vary between an estimated \$20 and \$60, depending on age. Ultimately, it is expected that some 35,000 persons will become subject to these regulations. Administrative costs to the department are estimated as \$190,000 annually.

**Legal Authority:** Canada Shipping Act, subsection 232(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-39.

**Contact:** John G. Daniels, Director, Marine Crews and Training Branch, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 11th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3117; Fax: (613) 998-0637.

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TC/95-39-O-L

## **Life-Saving Equipment Regulations**

This amendment is safety related. It addresses life-saving equipment on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory of this convention and thus has to comply with the new requirements. A revision of the subject regulations will bring Canadian legislation in line with SOLAS.

The amended regulations will be easier for the user to understand. Canadian ships will be accepted in foreign convention ports as being in compliance with SOLAS and Canadian manufacturers of life-saving equipment will meet international standards, enabling them to sell their products abroad. Passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. Additional costs incurred or savings achieved by these regulations will essentially neutralize each other.

Greater equipment flexibility will be available to the shipowner. The amendments apply mainly to new and to Convention ships. Existing vessels will be affected to a lesser degree.

**Legal Authority:** Canada Shipping Act, section 314, and subsections 338(1) and 339(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-40.

**Contact:** Allan Williams, Marine Surveyor, Ship Operations Branch, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 12th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3124; Fax: (613) 993-8196.

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TC/95-40-O-L

## **Ship Station Technical Regulations - VHF**

This amendment is directly related to the proposed Life-Saving Equipment Regulations (LSER) amendment. It addresses a safety-related issue concerning life-saving equipment on ships. An amendment to the LSER will require certain Canadian ships to carry one or more portable two-way VHF (Very High Frequency) radiotelephones for communications between survival craft and ship and between ship and rescue boat. The apparatus will be portable and designed for use in an emergency by an unskilled person.

Passengers and crews of Canadian ships will be better protected in the event of a marine emergency because they will have an effective means of communication with search and rescue forces. Additional costs imposed by this amendment are estimated to be about \$1,000.00 per unit for those ships required to comply with the Regulations.

**Legal Authority:** Canada Shipping Act, section 343

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-41.

**Contact:** Peter Dalton, Superintendent, Regulations, Marine Navigation Services, Canadian Coast Guard, Transport Canada, Canada Building, 6th Floor (AMACR), 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-1520; Fax: (613) 991-4982.

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TC/95-41-O-L

**Public Harbours Regulations and Government Wharves Regulations - Major Amendments**

Due to technological changes, amendments to the Public Harbours Regulations and Government Wharves Regulations are required. The wording will be changed to make both regulations more appropriate to current operational circumstances and will take into account concerns of the Standing Joint Committee for the Scrutiny of Regulations and the recommendations of the regulatory review, which should make the Regulations easier to understand. Amendments will be made to certain sections relating to the handling of dangerous goods at public harbours in order to improve safety. There are no additional costs associated with this initiative.

**Legal Authority:** Public Harbours and Port Facilities Act, section 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-44 and TC-45.

**Contact:** Brenda Baird, Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Transport Canada, Canada Building, 5th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-0624; Fax: (613) 954-0838.

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TC/95-42-O-L

**Arctic Shipping Pollution Prevention Regulations (ASPPR)**

The Coast Guard is examining a proposal for changes to Schedule V of the Regulations, whereby "Type ships" as defined in the Regulations will be required to conform to appropriate "Baltic" Classes, and other Classification Society Ice Classes would be phased out.

The "Equivalent Standards for the Construction of Arctic Class Ships" were published in 1993. A standard is being developed for the implementation in 1995 of an ice regime control system of shipping in the Shipping Safety Control Zones. It will initially be used on an experimental basis. This proposal will benefit the shipping industry, the public and the government in that ships will be allowed to navigate when they are properly capable of navigating in the prevailing conditions, and not in an inflexible, predefined calendar period. This should reduce the risk of structural damage to a ship and the risk of environmental damage from pollution, as well as

providing an extended shipping season when the conditions are appropriate, or a shorter season if the conditions are not favourable. This proposal has been discussed at the Canadian Marine Advisory Council - Northern Region meetings for the last three years.

From time to time, various shipping companies make application for extended season voyages. It is anticipated that an extension may be required for 1995 and beyond for provisions that expired at the end of 1993, if the ice regime control system is not in place.

**Legal Authority:** Arctic Waters Pollution Prevention Act, section 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-50.

**Contact:** Andrew Hart, Senior Surveyor, Arctic Ship Safety Branch, Canadian Coast Guard, Transport Canada, Canada Building, 5th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-6004; Fax: (613) 991-9261.

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TC/95-43-O-I

**Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Response Organization Standard and Oil Handling Facilities Standard**

These regulations are required as a result of amendments to the Canada Shipping Act, (chapter 36, Statutes of Canada 1993) to implement the provisions of the Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90) Convention. These regulations are designed to improve Canada's marine spills response capability and to incorporate by reference two standards. The first standard will set out the procedures, equipment and resources that a response organization must have in order to qualify for a certificate of designation from the Minister. This standard is generally referred to as the Response Organization Standard. A response organization must submit a response plan and a declaration that confirms that the procedures, equipment and resources referred to in its response plan are available to a ship or a designated oil handling facility in case of an oil spill. The other standard will set out the procedures, equipment and resources that "a designated oil handling facility" must have on site for use in respect of an oil pollution incident, and is generally referred to as the Oil Handling Facility Standard.

These regulations and the two associated standards are part of the national marine spills response regime authorized in chapter 36, Statutes of Canada 1993. The private maritime sector strongly supports this regime as the basis for a private-sector-funded response capability. It is estimated that the regime's implementation will cost the private sector approximately \$100 million. The government will continue to oversee and monitor private-sector response to spills, respond to spills in the Arctic, and establish standards such as those mentioned in this initiative.

**Legal Authority:** Canada Shipping Act, sections 660.2, 660.4, 660.7 and 660.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-51 and TC-52.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard, Transport Canada, Canada Building, 9th Floor (AMEE), 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-7034; Fax: (613) 998-4168.

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TC/95-44-O-L

### **Regulations Prescribing How to Make Public the Standards under Part XV of the Canada Shipping Act That are to be Incorporated by Reference**

These regulations are required as a result of amendments to the Canada Shipping Act (chapter 36, Statutes of Canada 1993) to implement the provisions of the Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90) Convention.

The Minister of Transport may issue standards that are not regulations, under Part XV of the Canada Shipping Act. If such standards are intended to be incorporated by reference into regulations, the standards must be made public. These regulations will establish how this is to be done.

The incorporation by reference of standards into regulations is a newly developed concept in support of government's initiative for regulatory reform. No costs are associated with this regulatory initiative.

**Legal Authority:** Canada Shipping Act, section 660.9

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-55.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and

Emergency Planning, Canadian Coast Guard, Transport Canada, Canada Building, 9th Floor (AMEE), 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-7034; Fax: (613) 998-4168.

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TC/95-45-O-L

### **Pollutant Discharge Reporting Regulations**

This amendment is required as a result of amendments to the Canada Shipping Act (chapter 36, Statutes of Canada 1993).

This amendment will establish regulations for reporting the discharge of pollution from oil handling facilities. No direct costs are associated with this regulatory initiative.

**Legal Authority:** Canada Shipping Act, sections 657 and 658

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-56.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard, Transport Canada, Canada Building, 9th Floor (AMEE), 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-7034; Fax: (613) 998-4168.

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TC/95-46-O-L

### **Government Wharves Regulations (Declaration and Designation of Public Port Facilities - Phase I)**

The Public Harbours and Port Facilities Act requires the Governor in Council to declare and designate the public port facilities where a wharfinger can be appointed. The Standing Joint Committee for the Scrutiny of Regulations has requested that this requirement be fulfilled. It is proposed to amend the Public Harbours Regulations by adding a new schedule for the identification and designation of public port facilities. As this would involve more than 500 different sites, it is proposed to proceed on a phase-by-phase basis.

This amendment is required for administrative purposes only. Therefore, minor impact on port users is anticipated.

**Legal Authority:** Public Harbours and Port Facilities Act, sections 8 and 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-60.



**Contact:** Brenda Baird, Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Transport Canada, Canada Building, 5th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-0624; Fax: (613) 954-0838.

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TC/95-47-N-I

### **Public Harbours and Government Wharves Regulations - Tariff**

Amendments to these regulations will increase tariff rates in order to maintain the financial position of public harbours. Amendments are also necessary to reflect operational requirements. Some new tariffs may be introduced.

Minimal impact is expected from these increases. The department will fully consult users and carefully consider their comments before making any decision on the increase to these fees.

**Legal Authority:** Public Harbours and Port Facilities Act, section 12

**Status:** This is a new initiative.

**Contact:** Brenda Baird, Director, Program Management Directorate, Harbours and Ports Branch, Transport Canada, Canada Building, 5th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-0624; Fax: (613) 954-0838.

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TC/95-48-N-L

### **Tackle Regulations**

The present regulations, which stem from the International Labour Conference of 1932, require updating as a result of recent developments in cargo handling equipment and advances in technology. Outdated requirements will be replaced by new ones which will address modern methods of marine cargo handling and their attendant hazards.

The replacement of outdated requirements with useful and practical ones, which reflect in large measure what is already common application, should result in a reduction in accidents. The costs imposed will be minimal as industry is already in the process of adopting new technology.

**Legal Authority:** Canada Shipping Act, subsection 339(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Jan Zwaan, Senior Surveyor, Ship Control and Operational Safety,

Ship Safety, Canadian Coast Guard, Canada Building, 12th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel: (613) 991-3144; Fax: (613) 993-8196.

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TC/95-49-N-L

### **Collision Regulations - Revision**

This amendment will revise the Regulations and modify the format to incorporate by reference the International Regulations for Preventing Collisions at Sea, 1972, as amended from time to time, to which convention Canada is a signatory. This amendment is necessary to comply properly with current Canadian regulatory drafting practices and to ensure that the conduct of Canadian vessels will continue to be regulated in the internationally accepted phraseology with which Canadian mariners are, by tradition, well familiar.

Additionally, the amended regulations will include various minor amendments concerning lights, shapes and signals to the international regulations, which are scheduled to come into force on November 4, 1995. The amendment will provide shipowners with options in the display of certain lights and shapes, and will also address concerns raised by other government departments, private industry and the 1992 Marine Regulatory Review.

**Legal Authority:** Canada Shipping Act, section 562.1

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Dave G. Jenkins, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Canada Building, 12th Floor, 344 Slater Street, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3137; Fax: (613) 993-8196.

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TC/95-50-N-L

### **Boat and Fire Drill Regulations**

This amendment is safety related. It addresses boat and fire drills on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory of this convention and thus has to comply with the new requirements. The amendment will bring the Regulations in line with SOLAS and will make them easier for the user to understand. Additionally, Canadian ships will be accepted in foreign convention ports as being in compliance with SOLAS and passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. No additional costs will be incurred.

**Legal Authority:** Canada Shipping Act, section 338

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Dave G. Jenkins, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 12th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3137; Fax: (613) 993-8196.

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TC/95-51-N-1

### **Small Vessel Regulations - Carriage Requirements**

This amendment reflects the upgrading of safety equipment requirements for pleasure craft, small passenger vessels up to five gross tons and uninspected commercial vessels.

The socio-economic impacts of this regulatory measure will be in the cost of acquiring the additional required safety equipment (rope, hand light and mirror) for an average total price of \$12.50 per vessel. The estimated total industry-wide cost is \$19 million. At the same time, this regulatory measure will remove the requirement for vessels not over 6 metres in length to carry distress signals. This will result in an average cost savings of \$75 per vessel, for an estimated overall total of \$8 million.

The Canadian Marine Advisory Council (CMAC) recommended these requirements.

**Legal Authority:** Canada Shipping Act, sections 405, 406 and 407

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** S.J. Wylie Stewart, Superintendent, Equipment and Operations, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 12th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0664; Fax: (613) 993-8196.

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TC/95-52-R-L

### **Boating Restriction Regulations**

These routine amendments, including some housekeeping measures, are made to improve the safety of boating activities on specified bodies of water as requested by participating provinces. On a semi-annual basis, these provinces submit requests for amendments to schedules for the restriction of boating on specified waters.

These amendments will improve the safety of navigation on designated waters. There will be no cost to the federal government and a minor cost to the provinces or municipalities requesting the restrictions (costs of erecting signs and of police enforcement).

**Legal Authority:** Canada Shipping Act, subsections 562(2) to (4)

**Status:** This is a recurring initiative.

**Contact:** S.J. Wylie Stewart, Superintendent, Equipment and Operations, Ship Operations Branch, Ship Safety, Canadian Coast Guard, Transport Canada, Canada Building, 12th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0664; Fax: (613) 993-8196.

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## **Harbour Commissions**

TC/95-53-O-L

### **North Fraser Harbour Commission By-laws**

The North Fraser Harbour Commission has reviewed and revised the North Fraser Harbour Commission By-laws by deleting sections no longer applicable and by redrafting other sections. The Harbour Commission proposes to separate its current by-laws into distinct by-laws: Operating and Tariff. The tariff of rates is the same as that contained in the existing by-laws.

The impact on Canadian society and port users will be insignificant.

**Legal Authority:** Harbour Commissions Act, section 17

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-62.

**Contact:** George Colquhoun, Port Manager, North Fraser Harbour Commission, 2020 Airport Road, Richmond, British Columbia, V7B 1C6. Tel.: (604) 273 1866; Fax: (604) 273-3772.

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TC/95-54-O-L

### **Port Alberni Harbour Commission Operating By-laws**

The Port Alberni Harbour Commission Operating By-laws are being revised by deleting sections that are no longer applicable to current operational circumstances and by redrafting other sections. The existing by-laws have not been changed since 1947.

There will be no amendment to the tariff rates.

Impact is limited to users of the port. There will be no impact on the general public. The revised by-laws will provide improvements to controls in the existing by-laws.

**Legal Authority:** Harbour Commissions Act, section 17

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-65.

**Contact:** Dennis G. Andow, Property Manager, Port Alberni Harbour Commission, P.O. Box 99, Port Alberni, British Columbia, V9Y 7M6.  
Tel.: (604) 723-5312; Fax: (604) 723-1114.

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TC/95-55-O-L

### **Nanaimo Harbour Commission General By-law - Harbour Dues Increase**

An amendment to this by-law is required to meet the needs created by the establishment of a high-speed ferry service between Nanaimo and Vancouver. The carrier will have to remit the harbour dues in the form of a per-passenger head tax. It is also proposed to increase the overall harbour dues for the non-ferry port users.

The impact of the increase on the carrier will be slight. It should not affect the passengers because the carrier has already taken the rate increase into account in establishing the ticket price.

**Legal Authority:** Harbour Commissions Act, section 17

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-61.

**Contact:** William Mills, Port Manager, Nanaimo Harbour Commission, 104 Front Street, P.O. Box 131, Nanaimo, British Columbia, V9R 5R4.  
Tel.: (604) 753-4146; Fax: (604) 753-4899.

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### **Pilotage Authorities**

TC/95-56-O-L

#### **Atlantic Pilotage Authority Gulf of St. Lawrence Area Regulations and Laurentian Pilotage Authority District No. 3 Regulations**

These regulations will be amended to put into effect observations by the Standing Joint Committee for the Scrutiny of Regulations.

These observations refer to the Authorities' proposal to combine forces to provide ice advisors (pilots with experience in navigation in ice) in the non-compulsory pilotage waters of the St. Lawrence River/Cabot Strait area of the Gulf of St. Lawrence, on request by industry.

The administrative costs to both pilotage authorities would be negligible. The cost to the industry would be zero unless vessels decided to use the services of an ice advisor, in which case current tariffs would apply.

**Legal Authority:** Pilotage Act, section 20

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-72 and TC-76.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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TC/95-57-N-L

### **Atlantic Pilotage Tariff Regulations**

The Atlantic Pilotage Tariff Regulations (covering the compulsory pilotage areas of New Brunswick, Newfoundland, Nova Scotia and Prince Edward Island) will be amended to bring the Atlantic Pilotage Authority to financial self-sufficiency as mandated under the Pilotage Act.

The revised tariffs will result in increased costs to the shipping industry, which the Authority will consult.

**Legal Authority:** Pilotage Act, section 33

**Status:** This is a new initiative.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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TC/95-58-O-L

### **General Pilotage Regulations**

Amendments to Part I of these regulations will be necessary in order to conform to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

These amendments will have a minor effect on applicants for pilotage licences and pilotage certificates, but as the number of applicants per year at the four marine pilotage authorities is low, the general effect is negligible.

**Legal Authority:** Pilotage Act, section 20



**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-73.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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TC/95-59-O-L

### **Laurentian Pilotage Authority Regulations**

The Laurentian Pilotage Authority proposes to amend its regulations to clarify the status of tugs, tows and pusher units with respect to compulsory pilotage requirements.

The proposed amendments have no cost implications. The amended regulations will be clearer and more precise and will therefore benefit all parties.

**Legal Authority:** Pilotage Act, section 20

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-75.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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TC/95-60-O-L

### **Pacific Pilotage Regulations**

The Pacific Pilotage Authority proposes to amend its regulations to accommodate the requirements pertaining to pilots in the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. These amendments will have a minor effect on applicants for pilot licences, but as only approximately half a dozen applicants per year are involved, the general effect is negligible.

In addition, the Pacific Pilotage Authority also proposes to modify section 10 of its regulations, (Waiver of Compulsory Pilotage) to clarify the wording for the benefit of the industry.

**Legal Authority:** Pilotage Act, section 20

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-77.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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TC/95-61-N-L

### **Pacific Pilotage Tariff Regulations**

The Pacific Pilotage Tariff Regulations will be amended to raise additional revenue to compensate for increasing costs pertaining to the coastal and Fraser River pilots and to maintain financial self-sufficiency.

The revised tariffs will result in increased costs to the shipping industry. Consultation will take place with the Chamber of Shipping of B.C.

**Legal Authority:** Pilotage Act, section 33

**Status:** This is a new initiative.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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TC/95-62-N-L

### **Pacific Pilotage Regulations - Reciprocal Exemptions**

The Pacific Pilotage Authority proposes to amend its regulations to provide reciprocal exemptions to American pilots in specific Canadian territorial waters in Haro Straits and Boundary Pass. This would recognize historical practice based on the Treaty Establishing Boundary West of the Rocky Mountains of 1846 between the U.S. and Great Britain and supported by the Boundary Waters Treaty of 1909 between the United States and Canada. The purpose would be to enhance safety of navigation in contiguous American/Canadian compulsory pilotage waters.

These exemptions relate to one of the principal elements of both treaties, i.e., that the navigation of the area referred to shall remain "free and open to both parties" and not be subject to discriminatory non-reciprocal regulations.

**Legal Authority:** Pilotage Act, section 20

**Status:** This is a new initiative.

**Contact:** Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 10th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-0695; Fax: (613) 990-1538.

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## **Surface Group**

### **Railway Safety**

TC/95-63-O-1

#### **Safety Critical Positions**

Investigation of railway accidents has indicated that railways must maintain acceptable programs capable of monitoring the physical and medical condition of employees engaged in occupations deemed critical to the safe operation of a railway.

Paragraph 18.(1)(b) of the Railway Safety Act (RSA) authorizes the Governor in Council to make regulations declaring specified positions in railway companies to be critical to safe railway operations. Section 35 of the RSA provides for procedures to monitor the condition of those employees.

The Railway Safety Directorate is developing regulations that specify the positions considered to be critical to safe railway operations.

There will be an economic impact on the railway industry arising from increased medical costs. This will be offset by enhanced safety of railway operations.

**Legal Authority:** Railway Safety Act, section 18

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-78.

**Contact:** Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-7745; Fax: (613) 990-7767.

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TC/95-64-N-L

#### **Revocation of Obsolete Orders**

Following the proclamation of the Railway Safety Act in January 1989, new regulatory instruments are coming into effect. The result is that many old orders of the former Canadian Transport Commission will need to be revoked this year.

These orders relate to issues such as radio and bulk storage regulations, vision and hearing standards and grade crossing construction.

Revoking these orders will have a generally positive economic impact, because the instruments that will replace them will allow a more flexible approach to safety regulation, and will permit a fast regulatory

response to changes in technology or the industry's environment.

**Legal Authority:** Railway Safety Act, section 119

**Status:** This is a new initiative.

**Contact:** Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1926; Fax: (613) 990-7767.

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TC/95-65-N-I

#### **Rail-Highway Grade Crossing Regulations**

There are approximately 40,000 public, private and farm crossings under federal jurisdiction in Canada. Deaths and injuries at crossings account for around 50 percent of the annual casualty rate for the rail area (the majority of the other casualties relate to trespassing).

The design standards for these crossings are currently laid out in obsolete regulations of the former Canadian Transport Commission. Transport Canada has developed a new "best practices" guideline and intends to incorporate this guideline by reference in these regulations.

There will be an economic impact on the railway industry and road authorities arising from increased construction and maintenance costs. This will be offset by enhanced safety of railway operations and a reduced casualty rate.

**Legal Authority:** Railway Safety Act, sections 7 and 24

**Status:** This is a new initiative.

**Contact:** Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1926; Fax: (613) 990-7767.

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#### **Road Safety and Motor Vehicle Regulation**

TC/95-66-O-M

##### **Motor Vehicle Safety Regulations, Standards 1101, 1103 and 1105: Emissions**

Emissions that result from the use of motor vehicles are associated with a number of environmental problems that have adverse effects on the health of Canadians or on the environment. The emission

regulations 1101, 1103 and 1105 will be updated for 1998 and beyond according to the revised Motor Vehicle Safety Act. The amendments to the standards will be consistent with national and international environmental commitments made by the Government of Canada and will generally be in harmony with the United States Clean Air Act amendments of 1990 and associated regulations. The standards will, depending on the type of vehicle, decrease allowable emissions of carbon monoxide, hydrocarbons, nitrogen oxides and particulate matter, and increase the designed life of emission controls. Motorcycles will be newly regulated for emissions and urban transit buses will be designated as a separate category. The amendments will also include new label requirements for light- and heavy-duty vehicles, and on-board diagnostic system and refuelling emission control requirements for light-duty vehicles and light-duty trucks. Also, the proposed regulations will include specifications for an emission credit program and detailed data submission requirements.

The complexity of the costs and benefits of the above comprehensive initiatives makes it difficult to provide an adequate brief summary. A detailed cost analysis associated with these initiatives is described in the Sypher-Mueller Report of March 1992 entitled "Support for the Development of a Regulatory Impact Analysis of On-Road Motor Vehicle Emission Standards." This report has been made available and distributed to interested parties. Copies of the report can be obtained by writing to the contact below.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-81.

**Contact:** Lui Hrobelsky, Chief, Energy and Emissions Engineering, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-2534; Fax: (613) 990-2913.

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TC/95-67-O-L

### **Motor Vehicle Safety Regulations, Standard 208: Occupant Restraint**

This amendment will require manufacturers to comply with performance-oriented, non-design-restrictive criteria for occupant restraint systems used in Canadian vehicles.

Limits will be placed on resultant head acceleration and chest deflection experienced by a human-like test

device (Hybrid III) in a 48 km/h barrier collision test. Seat belts will also be required to comply with fit criteria, which will be measured using the Belt Fit Test Device (BTD). The BTD attaches to the H-point machine, a device that is widely used throughout the industry. These requirements will be unique to Canada, in that they do not exist in the regulations of any other country.

This amendment will improve the level of protection afforded to occupants in vehicle crashes. Since head acceleration and chest deflection data are obtained from the widely used Hybrid III test device, there should be no additional testing costs imposed on manufacturers using this device to establish compliance with other countries' requirements. There will, however, be costs of an undetermined amount incurred because of the unique nature of this amendment.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-83.

**Contact:** André St-Laurent, Vehicle Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913.

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TC/95-68-O-L

### **Motor Vehicle Passenger Restraint Regulations, Standard C213: "Child Restraint Systems"; C213.1: "Infant Restraint Systems"; C213.2: "Booster Cushions"; and C213.3: "Restraint Systems for Disabled Children and Small Size Adults"**

This amendment is of an administrative nature. It makes the Regulations compatible with the revised Motor Vehicle Safety Act that received Royal Assent on May 6, 1993. The technical content of the Regulations will remain essentially unchanged.

Additional requirements will be placed on the manufacturer of restraint systems. The Regulations will require that records be established and maintained for five years after the date of manufacture of the restraint. The form and manner of the registration system and the information that must be issued with a notice of defect will be prescribed. The Regulations will also specify the documentation that an importer must provide.



These regulations will have negligible economic impact. The technical requirements are a restatement of those contained in the present Motor Vehicle Safety Regulations. The registration system requirements are similar to those voluntarily adopted by the industry.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-85.

**Contact:** France Legault, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1963; Fax: (613) 990-2913.

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TC/95-69-O-L

### **Motor Vehicle Safety Regulations, Standard 205: Glazing Materials**

This amendment to the standard adopts the latest version of the American National Standard for Safety Glazing Materials (ANSI Z-26). This version includes all the technical changes that have been incorporated in the Canadian Motor Vehicle Safety Standard and Federal Motor Vehicle Safety Standard 205 since the last edition in 1983.

The amendment will introduce requirements for new types of glass-plastic glazing (items 15A, 15B, 16A and 16B), giving manufacturers more design flexibility and allowing them to use materials that may reduce minor facial lacerations to passengers in collisions. The amendment will also permit the use of item 14 glass-plastic glazing for side and rear windows in convertibles.

The amendment will require clamping of glazing specimens for two impact ball tests and a penetration resistance test. The new clamping procedure will provide a more appropriate way to test glass-plastic glazing. This change was requested by industry.

A minor change will define the term "gasoline" used in chemical resistance tests.

This amendment will relieve restrictions and facilitate the use of glass-plastic glazing in motor vehicles. Except for the revision to the clamping procedure, which will require the purchase of less than \$200 worth of test equipment for each of the affected companies or laboratories that test motor vehicle glazing, there should be no increase in costs associated with this amendment. This initiative was published in Part I of the *Canada Gazette* on June 6, 1994.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-87.

**Contact:** Paul Lemay, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1967; Fax: (613) 990-2913.

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TC/95-70-N-L

### **Motor Vehicle Safety Regulations, Standard 214: Side Door Strength**

This amendment will extend the current requirements of Standard 214 (Side Door Strength) to buses, multipurpose passenger vehicles, and trucks having a gross vehicle weight rating of less than 4 536 kg.

This requirement is already in effect in the U.S. Because most manufacturers build essentially the same vehicle for both the Canadian and the U.S. markets, very little effect on both costs and benefits is anticipated.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Darwin S. Van Dusen, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913.

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TC/95-71-O-I

### **Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment**

A swing-out stop sign will be required on school buses to provide a more positive signal that drivers must not pass when school buses are stopped to board or discharge passengers. A centre high-mounted stop lamp will be required on light-duty trucks, vans, small buses and recreational vehicles to reduce the risk of rear-end collisions. Reflective tape will be required on heavy trailers and possibly trucks to reduce the risk of collisions in darkness. A turn signal visible from beside the vehicle will be required on heavy-duty trucks, trailers and buses to clearly advise other drivers of intended lane changes and turns. A flashing head lamp will be permitted to make motorcycles more visible in daytime.

Head lamp requirements will be revised. Air vents will be permitted on head lamps without replaceable bulbs to avoid moisture condensation problems. The head lamp humidity test will be changed to include a flow of air to better simulate real driving.

Lamps will be required at the rear exit doors of transit buses to illuminate the ground to improve safety for exiting passengers. Stop lamp switches will be required on drive line retarders on heavy trucks and buses to warn following drivers that the vehicle is slowing down. Retarders are intended to control speed on long grades to avoid overheating the brakes, but can also produce significant deceleration without brake application.

Parts of this initiative will reduce the risk of road accidents caused by driver perception problems. The stop arm is expected to reduce the frequency of illegal passing of school buses by about half. The total cost of all the new mandatory equipment is estimated at \$3 to \$10 million annually. Benefits from reflective tape alone are estimated at \$4 to 12 million annually. The costs of the other changes will be minimal.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-84.

**Contact:** James G. White, Head, Crash Avoidance Engineering, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1965; Fax: (613) 990-2913.

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TC/95-72-N-L

### **Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems**

Automatic brake adjusters will be required on all vehicles other than motorcycles. Automatic adjusters are common on hydraulic brakes, and their use with air brakes is increasing. Automatic adjusters help minimize brake response times and thereby reduce stopping distances.

Automatic hydraulic brake adjusters will have to remain activated during the hydraulic brake road test procedure, to better simulate normal use. They may currently be locked out during the procedure, at the manufacturer's option.

Canadian Motor Vehicle Safety Standard (CMVSS) 105 requires the hydraulic brake failure tell-tale on the

instrument panel to illuminate, to check its function, each time the engine is started. For those vehicles equipped with a manual transmission and clutch pedal starter interlock, the requirement for tell-tale illumination will be required only when the engine ignition key is turned and the clutch pedal is fully depressed.

New requirements for air brakes will be added concerning adjustment indicators, timing and actuation energy source of parking brakes, reservoirs, trailer brake performance in the event of failure and compressor cut-in pressure. These new requirements are intended to improve the reliability of air brake systems. CMVSS 121 requirements will be extended to container chassis trailers, some designs of which are currently exempt.

These amendments will harmonize with the equivalent United States regulations and the costs involved will be minimal.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** James G. White, Head, Crash Avoidance Engineering, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1965; Fax: (613) 990-2913.

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TC/95-73-N-L

### **Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages**

The technical amendments to Standard 210 are being made in order to enhance the level of protection provided by seat belts by specifying improved seat belt geometry.

Specifically, the amendment limits the area in which seat belt anchorages can be installed by reducing the range of permitted lap belt angles from 20° to 75° to 30° to 75°. In addition, several changes are being made to clarify the magnitude of the test loads and how these are to be applied for specific seat belt anchorages.

The amendment is not expected to result in any additional costs to the industry as this amendment reflects current design practice. The amendment will be in harmony with similar regulations in the United States.

**Legal Authority:** Motor Vehicle Safety Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** John Neufeld, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1959; Fax: (613) 990-2913.

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## Transport of Dangerous Goods

TC/95-74-O-I

### Transportation of Dangerous Goods Regulations - International Requirements for Intermediate Bulk Containers

Amendments to Parts VI and VII of the Regulations will incorporate National Standard of Canada CAN/CGSB 43.146-M94 for the manufacture, selection, use, periodic retest and inspection of intermediate bulk containers (IBCs) used for the transportation of dangerous goods by all modes of transport. The requirements in the standard conform to the United Nations (UN) Recommendations on the Transport of Dangerous Goods for design and the International Maritime Dangerous Goods Code for the selection and use of IBCs. The requirements also incorporate existing North American industry design practice.

These amendments, by referring to the standard, will implement international requirements for IBCs manufactured in or shipped from Canada. The amendments will also authorize the use of UN-type IBCs for domestic transportation, completing the domestic standards for the manufacture, selection and use of such containers.

The amendments are expected to generate a small cost to manufacturers as a result of the quality assurance program and registration requirements in the standard. There will be a positive impact on safety through the establishment of an international standard for the manufacture, selection and use of IBCs.

**Legal Authority:** Transportation of Dangerous Goods Act, 1992, section 27

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-90.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building,

14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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TC/95-75-O-L

### Transportation of Dangerous Goods Regulations - Drum Reconditioning

An amendment to Part VII of the Regulations will incorporate National Standard of Canada CAN/CGSB 43.126-M94 regarding the reconditioning or manufacturing of steel drums for reuse. By referring to this new standard, the amendment is expected to generate a small cost to users of reconditioned steel drums and to steel drum reconditioners as a result of the new requirements within the standard. There will be a positive impact on public safety by requiring compliance with practices recognized by the standards committee as safe.

**Legal Authority:** Transportation of Dangerous Goods Act, 1992, section 27

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-91.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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TC/95-76-O-I

### Transportation of Dangerous Goods Regulations - Biomedical Waste

This amendment will include biomedical waste in the Regulations. It is being drafted in consultation with Health Canada, Agriculture and Agri-Food Canada, Environment Canada, waste management personnel, the health care community throughout Canada and other interested parties. This amendment will clarify the requirements in the Regulations and specify the means of containment to be used in transportation.

The amendment is expected to add some costs to industry for documentation, training and packaging. There will be a positive impact on the safety of the public.

**Legal Authority:** Transportation of Dangerous Goods Act, 1992, section 27

**Status:** This initiative appeared in the 1994 Regulatory Plan as TC-92.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods



Directorate, Transport Canada, Canada Building,  
14th Floor, 344 Slater Street, Ottawa, Ontario,  
K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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TC/95-77-N-L

## **Transportation of Dangerous Goods Regulations - Editorial and Permits**

This amendment will cover some changes to accommodate the new Transportation of Dangerous Goods Act, 1992, to correct omissions in Schedule No. 18, to facilitate the domestic transport of transborder and international consignments by allowing new shipping names to be used before the Regulations are changed and to streamline the permit application process.

**Legal Authority:** Transportation of Dangerous Goods Act, 1992, section 27

**Status:** This is a new initiative.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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TC/95-78-N-L

## **Transport of Dangerous Goods Regulations (TDG) - IMDG Clarification**

This amendment will clarify and streamline the alternative of using the International Maritime Dangerous Goods Code (IMDG Code) to comply with the TDG Regulations. The IMDG Code was developed by the International Maritime Organization for the marine transport of dangerous goods. To allow shipments to proceed from their place of origin to destination when part of the trip is via ship, the TDG regulations allow IMDG shipments to travel by road or rail. However, some of the requirements of the IMDG Code are inappropriate for land transport and some provisions of the TDG regulations may enhance the safe transport of dangerous goods by ship.

The amendment is expected to result in minimal cost to industry, mainly in record-keeping and administrative changes. There will be a positive impact on safety of the public by way of better information and information retrieval systems.

**Legal Authority:** Transportation of Dangerous Goods Act, 1992, section 27

**Status:** This is a new initiative.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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## **Future Initiatives**

### **Policy and Coordination Group**

#### **Prevention of Substance Use in Transportation Regulations**

This policy initiative would address the issue of alcohol or drug use by employees holding safety-sensitive positions in Canadian transportation.

Detailed research, including pertinent surveys, has been conducted on the nature and extent of substance use by safety-sensitive employees across all modes of transportation. The surveys indicated a level of usage similar to that of the Canadian population overall.

The policy would establish measures to prevent and deal with substance use in safety-sensitive positions, and thereby maintain and enhance the safety of the transportation system.

There could be amendments to a number of statutes under the jurisdiction of the Minister of Transport, including the Aeronautics Act, Pilotage Act, Canada Shipping Act and Railway Safety Act, and new regulations are contemplated.

Costs will be absorbed by affected departments and industry. Transport Canada will conduct cost analysis and resulting benefits study of the policy to accompany any regulations which may be developed.

**Classification:** Intermediate-cost initiative

**Contact:** Mike Baker, Director, Corporate Issues, Policy and Coordination, Transport Canada, Place de Ville, Tower C, 26th Floor, Area C (ACCG), 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-3536; Fax: (613) 991-6422.

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## **Airports Group**

### **Government Airport Concession Operations Regulations (GACORs)**

The GACORs provide the legislative basis for Transport Canada's management of commercial and other activities at airports. The approach taken in the current regulations is no longer appropriate to modern realities. The Airports Group of Transport Canada will be changing the GACORs in order to

manage commercial activities at airports more effectively.

Alternatives which are being considered are: amendments to the existing GACORs and enabling legislation; development of new regulations and legislation; use of other regulations and legislation; and use of non-regulatory methods of management.

Consultation will be primarily with airport officials and may include other interested parties such as airport tenants and the Royal Canadian Mounted Police.

**Classification:** Intermediate-cost initiative

**Contact:** Catherine Major, Manager, Air Terminal Building Complex, Commercial Development and Marketing Directorate, Transport Canada, Place de Ville, Tower C, 20th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 991-4709; Fax: (613) 990-8889.

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## **Airport Operations Regulations - Airside**

The department is developing Airport Operations Regulations to establish the rules and procedures for the safe operation and parking of vehicles, the testing and issue of a vehicle operating permit, the parking of aircraft, and the movement of pedestrians on the airside of airports not covered by the Air Regulations, but for which the airport manager or operator is responsible.

The Canadian Transportation Accident Investigation and Safety Board (formerly the Canadian Aviation Safety Board, or CASB), in its report on a special investigation into the risk of collision involving aircraft on or near the ground at Canadian civil airports (CASB 87-31, August 1987), recommended that Transport Canada: implement strengthened national standards for airport traffic directives as quickly as possible; ensure that airport managers have the requisite authority to enforce national airport directives; and require that all airports certified but not owned and operated by Transport Canada effectively meet the strengthened national standards for airport traffic directives.

The Board also recommended (CASB 87-31, August 1987) that Transport Canada: accelerate implementation of its standard Airside Vehicle Operators Permit (AVOP) system at aerodromes owned and operated by Transport Canada; and require that an equivalent process for AVOP training and certification be implemented at airports not owned and operated by Transport Canada.

There are no revenue increases or direct cost increases associated with this regulatory proposal.

**Classification:** Low-cost initiative

**Contact:** Richard J. Liberty, Chief, Airside Operations, Safety and Technical Services Directorate, Transport Canada, Place de Ville, Tower C, 18th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1418; Fax: (613) 990-9589.

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## **Aviation Group**

### **Preservation and Return of Evidence Regulations**

This proposed regulation stem from efforts to make the process of dealing with alleged offenses quicker and less costly. Present regulations allow the Minister to seize evidence or detain aircraft but do not specifically allow the Minister to return or release them. In the absence of such regulations, Criminal Code provisions require that a judge or justice order the return or release.

Obtaining such an order consumes judicial time and the time of Transport Canada personnel, a costly process. The procedure is an anomaly in view of recent regulations that removed many offenses from the purview of the courts and allowed administrative handling of those offenses in an effort to expedite processing and to save judicial time.

As authorized by subsection 8.7 (3) of the Aeronautics Act, the proposed regulation provides a guideline and authority for the preservation and return of evidence seized without a warrant. Evidence seized with a warrant will continue to be handled in accordance with the Criminal Code. The new regulation gives clear direction to the Minister to return seized items, stipulates a time frame in which to accomplish the return if the evidence will not be used and authorizes the return of evidence when it is no longer needed. It also authorizes release of detained aircraft when safety concerns have been addressed.

**Classification:** Low-cost initiative

**Contact:** Jim Humphrey, Regulatory Compliance Policy and Programs, Legislation and Compliance Branch, Aviation Regulation Directorate, Transport Canada, Centennial Tower, 5th Floor, 200 Kent Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1194; Fax: (613) 990-1198.

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## Aviation Occupational Safety and Health Regulations

The Aviation Occupational Safety and Health (OSH) Regulations, which were issued under the Canada Labour Code Part II and came into effect in March 1987, apply to employees employed on aircraft in operation. A committee of client groups and government officials is reviewing these regulations to consider possible amendments to clarify the Regulations and bring them technically up to date. Review (adjusted for industry-specific priorities) will also be required as progressive amendments are made to the Canada Occupational Safety and Health Regulations.

An impact analysis will be done on each of the individual revised sections, subsections or paragraphs. The nature and scope of the revisions will determine whether additional benefits and perhaps costs will result from these possible changes.

**Classification:** Intermediate-cost initiative

**Contact:** Grant Mazowita, Director, Legislation and Compliance Branch, Aviation Regulation Directorate, Transport Canada, Centennial Tower, Room 540, 200 Kent Street (AARB), Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1224; Fax: (613) 990-1198.

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## Altimeter and Altimeter Static Pressure System Order: Air Navigation Order Series II, No. 15

Revision of this order is required to recognize changes in technology and to update references to the Airworthiness Manual.

The amendment is the only practical alternative to the status quo.

The department will consult with aircraft maintenance engineer associations and air carrier associations; the public will be made aware of the department's plan through publication in the *Canada Gazette*.

**Classification:** Intermediate-cost initiative

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor, 200 Kent Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-2738; Fax: (613) 996-9178.

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## Air Regulation 211(3) and Air Navigation Orders, Series I, No. 2; Series II, No. 6, 13, 15, 17 and 21; and Series VII, No. 2, 3 and 6

Subsection 211(3) of the Air Regulations and Air Navigation Orders, Series I, No. 2; Series II Nos. 6, 13, 15, 17 and 21; and Series VII, No. 2, 3 and 6 contain references to standards that are presented in the Airworthiness Manual and, occasionally, in the Engineering and Inspection (E&I) Manual. These amendments will incorporate a reference to the appropriate standards contained in the Airworthiness Manual, as required by each individual order. Until the standards in the E&I Manual have been completely incorporated into the Airworthiness Manual, reference will be made to both manuals.

The status quo is not an acceptable alternative. The final objective is to replace any reference to the E&I Manual.

In addition to publishing the amendments in *Canada Gazette*, the department will give the industry early notice of the changes directly.

**Classification:** Low-cost initiative

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor, 200 Kent Street (AARDH), Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-2738; Fax: (613) 996-9178.

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## Air Regulations 210, 211, 214 and 221

The revision of these regulations resulted from recommendations of the department's Regulatory Review. These regulations authorize the Minister to issue flight authorities, and state some conditions for maintaining these flight authorities in force; they require some minor amendments to update terminology to conform with the Airworthiness Manual.

The amendments are the only practical alternative to the status quo.

In addition to publishing the amendments in *Canada Gazette*, the department will give the industry early notice of the changes directly.

**Classification:** Low-cost initiative

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor, 200 Kent Street (AARDH), Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-2738; Fax: (613) 996-9178.

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## **Improved Flammability Standards for Materials Used in the Interiors of Large Aeroplanes: Air Navigation Order, Series II, No. 32**

Current requirements have proven inadequate in cabin fires. The proposed order will require that certain large aeroplanes be equipped with interior materials which meet upgraded flammability standards.

The proposed order will result in improved safety. There will be new costs associated with its implementation, but it is not possible to be specific about costs at this time because of the wide variety of aircraft affected. These requirements have already been implemented by other countries, including the United States.

The department will consult the industry prior to publication in the *Canada Gazette*. The amendments are the only practical alternative to the status quo.

**Classification:** Intermediate-cost initiative

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor, 200 Kent Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-2738; Fax: (613) 996-9178.

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## **Aircraft Maintenance Engineer (AME) Licences Order: Air Navigation Order, Series IV, No. 6**

Prior to the existence of the Airworthiness Manual, large aviation maintenance organizations had the authority to train individuals to perform and certify maintenance, even if those individuals did not hold an Aircraft Maintenance Engineer's Licence. When the Airworthiness Manual came into effect, the minimum standard for individuals issuing a maintenance release following work performed became the AME licence.

Unfortunately, even though this change has had an overall impact that is appreciated by the Canadian aviation community, there is one unanticipated side effect. This side effect deals with maintenance support at bases away from the main base of operations for a particular aircraft.

The licensing system currently in effect requires that all maintenance be certified by an AME with an appropriate rating. When we speak of large commercial aircraft, the term "appropriate rating" includes a requirement to be qualified on an

individual "type" of aircraft. This essentially precludes an AME with a Boeing 707 endorsement from replacing a wheel on a McDonnell Douglas CD8, even though the procedures are virtually identical.

This amendment to ANO Series IV, No. 6 will permit AMEs, under certain conditions, to perform some functions without having the "appropriate rating."

**Classification:** Low-cost initiative

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Transport Canada, Centennial Towers, 6th Floor, 200 Kent Street (AARDH), Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-2738; Fax: (613) 996-9178.

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## **Airport Firefighting Service Regulations - Air Regulations, Part III**

These regulations will ensure that airport firefighting services will be provided at those airports that will be transferred to Canadian Airport Authorities.

It is anticipated that the impact on the Canadian economy as a whole will be minimal since the service is already being provided at the affected airports.

Formal consultation with industry is planned prior to publication in the *Canada Gazette*.

**Classification:** Low-cost initiative

**Contact:** M. Dean Broadfoot, Chief, Air Navigation Policy and Standards Division, Air Navigation System Requirements Branch, Air Navigation System Directorate, Transport Canada, Place de Ville, Tower C, 9th Floor (AANDD), 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 991-9921; Fax: (613) 998-7416.

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## **Air Navigation Services Regulations - Canadian Aviation Regulations, Part VIII**

These regulations form part of the review and revision of aeronautics legislation currently being carried out by the department. They also relate to studies the department is currently conducting respecting the commercialization of air navigation services in Canada. They will set out the requirements for certification and operation of privately owned control towers and any other air navigation facilities and services not operated or provided by Transport Canada.

It is anticipated that the impact of these regulations on the Canadian economy as a whole will be minimal.

Formal consultation with industry is planned prior to publication in the *Canada Gazette*.

The regulations are required to the extent that air navigation services are provided by organizations other than Transport Canada.

**Classification:** Low-cost initiative

**Contact:** M. Dean Broadfoot, Chief, Air Navigation Policy and Standards Division, Air Navigation System Requirements Branch, Air Navigation System Directorate, Transport Canada, Place de Ville, Tower C, 9th Floor (AANDD), 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 991-9921; Fax: (613) 998-7416.

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## **Surface Group**

### **Road Safety and Motor Vehicle Regulation**

#### **Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment**

For lamps and reflectors, their required location with respect to the edges of the vehicle, their height above the road, and the angles from which they must be visible will be more clearly defined to ensure that road vehicles may be easily seen in darkness. Ambiguities that have arisen with respect to the installation of lighting devices, particularly on certain types of trucks and trailers, will be clarified.

This initiative is intended to reduce the risk of road accidents caused by driver perception problems and to reduce the need for vehicle recalls to correct problems arising from misinterpretation of unclear regulation. The costs of the changes will be minimal. Transport Canada's Regulatory Review Panel recommended that this standard be revised.

**Classification:** Low-cost initiative

**Contact:** James G. White, Head, Crash Avoidance Engineering, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1965; Fax: (613) 990-2913.

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#### **Motor Vehicle Safety Regulations, Standard 1106: Noise**

The amendment will reduce the allowable noise level emitted by heavy trucks from the present level of 83 dBA to 80 dBA.

Noise from heavy trucks is a major component of overall highway noise. Mandating a quieter truck fleet will provide a benefit to health by reducing highway noise levels, which is expected to reduce hearing loss and other associated health problems. This amendment will prevent the manufacture and importation of noisier trucks, and will be in harmony with existing regulations in the United States.

This amendment is expected to result in direct costs to the industry of \$4 million per year. There is also a fuel consumption penalty on the order of \$1.5 million per year. Transport Canada's Regulatory Review Panel recommended that this standard be revised.

**Classification:** Intermediate-cost initiative

**Contact:** John Neufeld, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1959; Fax: (613) 990-2913.

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#### **Motor Vehicle Safety Regulations, Standard 210.1: Tether Anchorages**

This new initiative will extend the applicability of child restraint tether anchorages to multipurpose vehicles. A regulation requiring tether anchorages in passenger cars became effective on January 1, 1989.

A tether anchorage is a hole or a threaded hole in a vehicle where the top of a child restraint is secured using a tether strap and hardware. Tethering the top of a child restraint will reduce significantly the head movement of a child in a crash and consequently will decrease the possibility of head contact resulting in injuries. The hole must be inside a specified zone and must withstand a specified static load.

Mini-vans, passenger vans, passenger-carrying utility vehicles and most 4 X 4 vehicles are classified as multipurpose passenger vehicles. These vehicles, especially mini-vans, have become increasingly popular with young families. These people would benefit the most from easy and safe installation of child restraint systems.

Costs incurred by manufacturers for installation of tether anchorages and testing for compliance should be approximately the same as those incurred for passenger cars and therefore should have minimal economic impact.

**Classification:** Intermediate-cost initiative

**Contact:** France Legault, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation, Transport

Canada, Canada Building, 13th Floor,  
344 Slater Street, Ottawa, Ontario, K1A 0N5.  
Tel.: (613) 998-1963; Fax: (613) 990-2913.

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## **Motor Vehicle Safety Regulations, Standard 111: Rearview Mirrors**

This amendment to the standard will prescribe a performance-oriented requirement for school bus mirror systems. The change will require bus drivers to be able to see, either directly or through mirrors, certain specified areas in front, and along the side, of the bus. It will also specify certain criteria for convex crossview mirrors and will establish test conditions designed to ensure that the image of an object is not unreasonably distorted.

The amendment will remove a restriction affecting the introduction of new mirror systems that may provide better glare protection. Specifically, the reference to prismatic-type mirrors in the section relating to reflectivity tests will be replaced by broader terminology that will allow the use of electrochromic mirror technology. These amendments will harmonize with the equivalent regulations in the United States.

**Classification:** Intermediate-cost initiative

**Contact:** Paul Lemay, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5.  
Tel.: (613) 998-1967; Fax: (613) 990-2913.

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## **Transportation of Dangerous Goods**

The Transportation of Dangerous Goods Directorate will consult with industry, the provinces and other federal government departments, and through the *Canada Gazette*. These discussions will provide an opportunity for consideration of alternatives to the following proposed changes.

### **Transportation of Dangerous Goods Regulations - Miscellaneous**

The new Transportation of Dangerous Goods Act (TDG), 1992 will necessitate changes to the regulations regarding, for example, fees and financial responsibility. Cost to the industry is expected to be minimal due to the mainly administrative nature of the changes. Some changes to the Regulations, as a result of the new 1992 TDG Act, will be covered under the initiative number TC-77, entitled Editorial and Permits.

**Classification:** Low-cost to intermediate-cost initiative

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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## **Transportation of Dangerous Goods Regulations - Rail Transport**

Amendments to Part VI and VII of the Regulations will incorporate an amended Canadian General Standards Board standard for the construction of tank car tanks, and for the selection, use, periodic retest and inspection of tank car tanks, portable tanks and rail cars used for the transportation of dangerous goods by rail. The requirements in the standard will reflect the provisions of a recent substantial amendment to Title 49 of the United States Code of Federal Regulations under Dockets HM-181, HM-175A and HM-201. These U.S. amendments streamlined and consolidated the requirements for the transportation of dangerous goods by rail and the amendment to the standard will bring these changes into effect for the Canadian rail system.

**Classification:** Low-cost initiative

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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## **Transportation of Dangerous Goods Regulations - Omnibus**

This amendment is a complete review of the Regulations, combining the departmental review, permits, comments on the regulations since 1985 and clear language principles (e.g., tables of contents, headings, elimination of archaic language, short sentences, etc.). It will also include initiatives previously outlined in the Regulatory Plan, such as proposals regarding empty drums, training, the Class 9 placard, exemptions for certain dangerous goods in quantities less than 500 kg and changes to Schedule XII of the Emergency Response Assistance Plan. The amendment is also expected to contain the intent of as many permits as possible.

The omnibus amendment is also intended to initiate a regular amending cycle to coincide with the three-year training requirement currently stated in the Regulations.



**Classification:** Intermediate-cost initiative

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

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## **Transportation of Dangerous Goods Regulations - Explosives Transport**

The Explosives Division of the Natural Resources Canada is undertaking a complete reorganization and revision of the regulations made pursuant to the Explosives Act. Those provisions in the Explosives Regulations dealing with explosives transport will be incorporated in the Transportation of Dangerous Goods Regulations by this amendment.

This initiative will not change the cost of explosives transport in Canada as it will reiterate the requirements for explosives transport under the Explosives Regulations. There will be a benefit associated with the repeal of some of the provisions of the Explosives Regulations which have become outmoded.

**Classification:** Low-cost initiative

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 14th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

# Treasury Board of Canada Secretariat

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## General Information

### Roles and Responsibilities

The Treasury Board is a committee of the Queen's Privy Council for Canada. The Board consists of the President of the Treasury Board, the Minister of Finance and four other Ministers who are nominated by the Governor in Council.

The Treasury Board Secretariat, headed by the Secretary, is an organization which serves the Treasury Board and shapes the financial management practices of departments.

The main role of the Treasury Board is the management of the government's financial, personnel, official languages, regulatory affairs and administrative responsibilities. It sets policy in these areas, examines and approves the proposed spending and non-tax revenue plans of government departments, and reviews the development of approved programs.

### Legislative Mandate

The principal legislative authorities for the Treasury Board are the following:

- Financial Administration Act
- Official Languages Act
- Public Service Staff Relations Act

The Treasury Board is also authorized to exercise the regulation-making authority of the Governor in Council to implement:

- Public Service Superannuation Act
- Supplementary Retirement Benefits Act and other superannuation acts

### Initiatives for 1995

TBS/95-1-O-L

#### Government Contracts Regulations: Amendment

The Government Contracts Regulations (GCRs) prescribe the conditions governing the entry into contracts for goods and services (including construction), and the conditions for the provision of security to protect the interests of the Crown in such contracts; the GCRs form the legal basis of the Contracting Policy. On January 1, 1994, the North American Free Trade Agreement came into force; in mid-1995, the Federal-Provincial Agreement on Internal Trade will come into effect, to be followed on January 1, 1996 by the new General Agreement on Tariffs and Trade. All three of these Agreements prescribe a similar set of conditions governing the entry into many of the same contracts. To provide a comprehensive Federal Government procurement policy and legal framework for departments and agencies which is harmonized with these Agreements, it is proposed that the GCRs and the Contracting Policy be amended, as appropriate, to minimize any differences.

Harmonization of the Contracting Policy with these procurement policies, including related amendments to the GCRs, could be expected marginally to reduce the administrative burden and costs associated with contracting for both government and industry, and should facilitate the ability of industry to access government procurement.

**Legal Authority:** Financial Administration Act, subsection 41(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-13.

**Contact:** Richard Fosbrooke, Contract and Project Management Division, Treasury Board Secretariat, Ottawa, Ontario, K1A 0R5. Tel.: (613) 954-4688; Fax: (613) 952-1381.

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TBS/95-2-R-L

### **Pension Protection**

The government's transfer or other type of divestiture initiatives may include provisions whereunder regulations may be made which will establish the details for the appropriate pension protection options for the Public Service employees involved.

The application of these regulations will be limited to those employees with the Public Service who cease employment as a result of a transfer or other type of divestiture. Costs will be dependent on the instances where the options is provided and the number of employees who elect under the options.

**Legal Authority:** Public Service Superannuation Act, sections 40.1 and 42.1

**Status:** This is a recurring initiative.

**Contact:** Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240.

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TBS/95-3-O-L

### **Public Service Superannuation**

The existing regulations are to be amended to update statutory references, which references are necessary to carry out certain elective service provisions of the Public Service Superannuation Act (PSSA).

The application of these amendments is limited to those PSSA contributors who elect under existing statutory provisions.

**Legal Authority:** Public Service Superannuation Act, section 42

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS- 2.

**Contact:** Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier,

West Tower, Ottawa, Ontario, K1A 0R5.  
Tel.: (613) 952-3233; Fax: (613) 952-3240.

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TBS/95-4-O-I

### **Public Sector Pension Reform**

Royal Assent was given in September 1992 to public service pension reform legislation which contains enabling provisions whereunder regulations are to be made by the Treasury Board or the Governor in Council which will establish the details of several changes to the existing programs. A number of the regulatory initiatives were completed in 1994, and work is going on to have the remaining changes completed as soon as possible. Carry-over initiatives from the 1994 regulatory plan are optional pension coverage for spouses under the Members of Parliament Retiring Allowances Act and regulations to bring the public service pension plans into compliance with the requirements of the Income Tax Act and its regulations for registered pension plans, as those requirements existed on January 15, 1992. The new Special Retirement Arrangements Act complements the tax compliance exercise by authorizing the Governor in Council to establish "retirement compensation arrangements" to provide supplementary retirement benefits. The pension reform regulation project will also include the technical corrections and housekeeping improvements which have become necessary over the years. The pension plans affected include the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the RCMP Superannuation Act, and the Members of Parliament Retiring Allowances Act.

**Legal Authority:** An Act to amend certain Acts in relation to pensions and to enact the Special Retirement Arrangements Act and the Pension Benefits Division Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-3.

**Contact:** Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240.

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TBS/95-5-R-L

### **Assignment of Crown Debt Regulations**

These regulations define the classes of payments due a person by the federal government that may be



assigned to another person (usually a creditor) and outline the procedures to be followed when doing so. They are revised periodically as programs are wound up and new programs established.

**Legal Authority:** Financial Administration Act, section 71

**Status:** This is a recurring initiative.

**Contact:** Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9668; Fax: (613) 952-9613.

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TBS/95-6-O-I

### **Interest on Overdue Accounts Regulations**

The purpose of these Regulations is to encourage users of government services and facilities who are in a position to repay their debts to discharge their obligations to the Crown in a timely fashion and to obtain compensation for the government's additional borrowing costs when they fail to do so, or when they make a payment with a "NSF" cheque.

**Legal Authority:** Financial Administration Act, section 155.1

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-5.

**Contact:** Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9668; Fax: (613) 952-9613.

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TBS/95-7-O-L

### **Security for Debts Due to Her Majesty Regulations**

These Regulations are required to set out the control framework for accepting and subsequently realizing on or discharging security for debts owing to the federal government.

**Legal Authority:** Financial Administration Act, section 156

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-6.

**Contact:** Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower,

300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9668; Fax: (613) 952-9613.

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TBS/95-8-O-I

### **Payment Requisitioning Regulations**

These Regulations establish the control framework for the payment requisitioning process between the departments and the Receiver General. These Regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

**Legal Authority:** Financial Administration Act, sections 10 and 33

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-7.

**Contact:** Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller General Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

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TBS/95-9-O-I

### **Cheque Issue Regulations**

These Regulations set the control framework for the issuance by the Receiver General of payment instructions to financial institutions. They also outline the control requirements relating to the replacement of cheques and the operation of departmental bank accounts. These Regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

**Legal Authority:** Financial Administration Act, section 10(f)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-8.

**Contact:** Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller General, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

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TBS/95-10-O-I

### **Direct Deposit Regulations**

These Regulations establish the control framework for direct deposit of government payments, including

subscribing to and terminating direct deposit services and the transmission of payment instructions to financial institutions. These Regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

**Legal Authority:** Financial Administration Act, section 10

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-9.

**Contact:** Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

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TBS/95-11-O-1

### **Destruction of Paid Instruments Regulations**

These Regulations set the control framework for the archiving and destruction of paid instruments gathered by the Receiver General. These Regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

**Legal Authority:** Financial Administration Act, section 36(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-10.

**Contact:** Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch; L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

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TBS/95-12-O-1

### **Receipt and Deposit of Public Money Regulations**

These Regulations establish the control framework for the receipt and deposit of public money. These Regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

**Legal Authority:** Financial Administration Act, section 17(4)

**Status:** This initiative appeared in the 1994 Regulatory Plan as TBS-11.

**Contact:** Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

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## General Information

### Roles and Responsibilities

Veterans Affairs Canada is responsible for the administration of 16 acts and 29 sets of regulations and orders. These instruments give the Minister the authority to provide programs aimed at ensuring the economic, social, mental and physical well-being of veterans, specified persons and their dependants. The range of services provided includes income support, disability pensions, health care including special equipment and long-term care, counselling, education assistance, the acquisition of title to property and commemoration.

## Legislative Mandate

The following legislation is administered by Veterans Affairs Canada:

### Statutes

- Army Benevolent Fund Act
- Children of Deceased Veterans Education Assistance Act
- Department of Veterans Affairs Act
- Merchant Navy Veteran and Civilian Warrelated Benefits Act
- Pension Act
- Returned Soldiers' Insurance Act
- Soldier Settlement Act
- Special Operators War Service Benefits Act
- Supervisors War Service Benefits Act
- Veterans Appeal Board Act
- Veterans Benefit Act
- Veterans Insurance Act
- Veterans' Land Act
- War Service Grants Act
- War Veterans Allowance Act
- Women's Royal Naval Services and the South African Military
- Nursing Service (Benefits) Act

### Regulations and Orders

- Army Benevolent Fund Regulations
- Assistance Fund (WVA and CWA) Regulations
- Canadian Orders, Decorations and Medals Directive
- Canadian Volunteer Service Medal Order
- Children of Deceased Veterans Education Assistance Regulations
- Civilian Government Employees (War) Compensation Order
- Deceased or Former Members Dependents Payment Order
- Delegation of Powers (VLA) Regulations
- Execution of Purchase of Property Documents Regulations
- Flying Accidents Compensation Regulations
- Gallantry Awards Order
- Guardianship of Veterans' Property Regulations
- Infant or Person of Unsound Mind Payment Order
- Last Post Fund Regulations
- Memorial Cross Order (World War I)
- Memorial Cross Order (World War II)



- Pension and Allowance Adjustment Regulations
- Pensioners Training Regulations
- Regional Advisory Committee Regulations
- Returned Soldiers' Insurance Regulations
- Special Duty Area Pension Order
- Vetcraft Shops Regulations
- Veterans Allowance Regulations
- Veterans Appeal Board Regulations
- Veterans Burial Regulations
- Veterans Estates Regulations
- Veterans Health Care Regulations
- Veterans Insurance Regulations
- Veterans' Land Regulations
- Veterans Treatment Regulations
- War Service Grants Regulations

## **Administrative Arrangements**

- Veterans Affairs Canada has shared responsibility for the administration of the following acts:
- Defence Services Pension Continuation Act
- Halifax Relief Commission Pension Continuation Act
- Royal Canadian Mounted Police Pension Continuation Act
- Royal Canadian Mounted Police Superannuation Act

## **Initiatives for 1995**

VAC/95-1-O-L

### **Veterans Appeal Board Regulations**

This proposal will revoke certain sections of the Veterans Appeal Board Regulations dealing with the internal administrative procedures of the Veterans Appeal Board in rendering decisions on appeals and in obtaining documentation in support of appeals, and make these same sections rules under a different section of the Veterans Appeal Board Act. This initiative results from concerns of the Standing Joint Committee for the Scrutiny of Regulations, and will bring the Veterans Appeal Board Regulations into closer harmony with the Veterans Appeal Board Act.

This amendment will not generate additional costs or savings and will not have any adverse impact on clients.

**Legal Authority:** Veterans Appeal Board Act, section 20

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-1.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

VAC/95-2-O-L

### **Veterans Allowance Regulations**

Under the War Veterans Allowance Act, there is provision for paying additional War Veterans Allowance benefits to clients who are blind. The Regulations will be amended by adding a provision describing the circumstances under which a client is to be classified as blind.

Residency provisions for the allowance program will also be amended to show more clearly how long clients are allowed to be absent from Canada during any current year without affecting their residency or eligibility. Additional administrative amendments will be made to update references to current acts and to ensure gender neutrality.

These amendments will not generate additional costs and will not have any adverse impact on clients.

**Legal Authority:** War Veterans Allowance Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-2.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

VAC/95-3-O-L

### **Regulations for the Administration of Veterans Benefits**

These proposed regulations will implement a new system to assist veterans or their dependants if their ability to manage their financial affairs decreases to a point where help is needed. The system will provide for such services as third-party administration, redirection of monthly benefits to cover maintenance costs, the delivery of benefits by more frequent instalments such as weekly instead of monthly, and administration of veterans' moneys by the department.

These regulations will also contain provisions for processing the administered accounts of clients upon death.

These regulations will not generate additional costs and will not have any adverse impact on clients.

**Legal Authority:** Department of Veterans Affairs Act, section 5

**Status:** This initiative is appeared in the 1994 Regulatory Plan as VAC-3.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-4-O-L

## **Guardianship of Veterans Property Regulations**

These regulations contain certain provisions dealing with the administration of veterans' moneys. To avoid any duplications or ambiguities, those provisions will be revoked when the new regulations for the Administration of Veterans Benefits (see VAC/95-3) are approved.

The remaining provisions in the Guardianship of Veterans Property Regulations, which deal with gifts and bequests donated to the department for the general benefit of veterans and their dependants, will be re-enacted in a new set of regulations on gifts and bequests.

These changes will not generate additional costs and will not have any adverse impact on clients.

**Legal Authority:** Department of Veterans Affairs Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-4.

**Contact:** J. L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-5-O-L

## **Veterans Estate Regulations**

These regulations, which contain provisions for processing the administered accounts of veterans at the time of death, will be revoked as soon as the Regulations for the Administration of Veterans Benefits (see VAC/95-3) are approved, as these new regulations will contain provisions for processing estate moneys.

This amendment will not generate additional costs and will not have any adverse impact on clients.

**Legal Authority:** Department of Veterans Affairs Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-5.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-6-O-L

## **Children of Deceased Veterans Education Program**

Amendments to the Children of Deceased Veterans Education Assistance Regulations will make provision for the new Regulations for the Administration of Veterans Benefits (see VAC/95-3). They would apply to clients receiving benefits under this program, should there be a need.

These amendments will not generate additional costs and will not have any adverse impact on clients.

**Legal Authority:** Children of Deceased Veterans Education Assistance Act, section 12

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-6.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-7-O-L

## **Veterans Treatment Regulations**

When the new Veterans Health Care Regulations were approved in 1990, all the provisions contained in the Veterans Treatment Regulations were revoked except those sections pertaining to the administration of veterans' benefits. These sections were not revoked at that time as a major study on administration was underway. Now that the study has been completed, these sections will be revoked and provision will be made in the new Veterans Health Care Regulations to allow the new Regulations for the Administration of Veterans Benefits (see VAC/95-3) to apply to the health care program.

This amendment will not involve any additional costs and will not affect clients.

**Legal Authority:** Department of Veterans Affairs Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-7.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-8-O-L

### **Gallantry Awards Order**

The order which provides for payment to veterans holding specific war medals will be amended to make provision for the new Regulations for the Administration of Veterans Benefits (see VAC/95-3). This would allow application of the new regulations in situations in which a veteran receiving moneys under the Order may not be able to manage his or her own financial affairs.

This amendment will not generate any additional costs and will not affect clients.

**Legal Authority:** Order-in-Council P.C. 1987-1960, Orders-in-Council P.C. 1960-41/526 and P.C. 1965-36/1401

**Status:** This initiative appeared in the 1994 Regulatory Plan as VAC-8.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-9-O-L

### **Veterans Burial Regulations**

Presently, the department provides funeral and burial assistance to eligible disability pensioners and other qualified veterans by way of two separate programs under the Department of Veterans Affairs Act and the Pension Act. Amendments to the Veterans Burial Regulations will complete the amalgamation of these two programs into one and thereby reduce duplications that presently exist. This change will also speed up the application process and be less confusing for clients seeking assistance.

These amendments will not generate any additional costs. Benefits will include the reduction of administrative costs and the improvement of client service.

**Legal Authority:** Department of Veterans Affairs Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as initiative VAC-9.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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VAC/95-10-O-L

### **Last Post Fund Program**

The Last Post Fund Regulations will be amended to include a new definition of common-law spouse that will conform with the recently amended Divorce Act. A second amendment will also be made to extend the funeral and burial benefits to merchant navy veterans, who, by virtue of Bill C-84 (which received Royal Assent on June 18, 1992), are now recognized as veterans with equal entitlement to programs. Other minor administrative amendments will be made to the Regulations to bring them into closer harmony with the Department of Veterans Affairs Act.

These changes will be cost neutral. Services to merchant navy veterans are available under the departmental funeral and burial program.

**Legal Authority:** Department of Veterans Affairs Act, section 5

**Status:** This initiative appeared in the 1994 Regulatory Plan as initiative VAC-10.

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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## **Future Initiatives**

### **Veterans' Land Regulations**

In conformity with 1992 budget announcements involving Veterans Land Administration (VLA), amendments to the Veterans' Land Act will be proposed to reflect organizational changes and the realignment of responsibilities. Should these amendments be passed by Parliament, possibly sometime in 1995, consequential amendments will also have to be made to the Veterans' Land Regulations.

It is not anticipated that these amendments will have any adverse impact on clients nor that they will generate additional costs.

Stakeholders, including the principal veterans' organizations, will be fully consulted during the



course of preparing amendments to the Act and to the Regulations.

**Classification:** Low-cost initiative

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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## Burial Programs

A recent review of portfolio regulations indicated the need to further review the Veterans Burial Regulations and Last Post Fund Regulations to examine program inconsistencies. This process could result in administrative changes to one or both of these sets of regulations.

The only alternative being considered at this time is the status quo.

The department will consult with the Last Post Fund Corporation and the principal veterans' organizations on any amendments that will be proposed as a result of the further review of these regulations.

**Classification:** Low-cost initiative

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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## Veterans Health Care Regulations

The principal source of authority for provision of health care benefits to veterans is contained in the Veterans Health Care Regulations.

It is expected that an internal review of these regulations will result in amendments aimed at eliminating overlap and duplication in health care benefits in a client-sensitive manner. Other minor consequential changes of an administrative nature may also be required to assist in the delivery of health care programs. The nature and extent of these changes, and therefore possible alternative measures, are not known at this time as consultation is ongoing.

**Classification:** Low-cost initiative

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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## Veterans Pensions

Legislation to amend the Pension Act is being proposed for presentation to Parliament in the fall of 1994 or in the spring of 1995 to make the processing of pensions benefits more efficient. If this legislation is passed, new regulations may be required to deal with required procedures for pension administration and appeals. These regulations will not generate additional cost and will not have any adverse impact on clients.

Alternatives considered to this initiative included further amendments to the Pensions Act and the maintenance of the status quo. Consultations with veterans, organizations and agency heads of the portfolio are ongoing.

**Classification:** Low-cost initiative

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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## Benefit Redesign Project

In 1993, Veterans Affairs Canada embarked on this project to assess opportunities for using innovation in service delivery systems and improvements in benefit administration to make client service delivery more efficient. As this project passes through its scheduled definition, approval and implementation phases over the next few years, consequential amendments to regulations may be required to reflect the manner in which programs and benefits will be delivered in the future.

Alternatives being considered include improvements to existing service delivery systems, partnering opportunities with other departments and the status quo.

Veterans, organizations and stakeholders such as Treasury Board and interested departments will be fully consulted as the project evolves.

**Classification:** Major initiative

**Contact:** J.L. Cormier, Acting Director, Legislation, Portfolio Executive Services, Veterans Affairs Canada, P.O. Box 7700, Charlottetown, Prince Edward Island, C1A 8M9. Tel.: (902) 566-7463; Fax: (902) 566-8051.

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# Atlantic Canada Opportunities Agency

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## General Information

### Roles and Responsibilities

The Atlantic Canada Opportunities Agency (ACOA) is a federal government agency headquartered in Moncton, New Brunswick. It was created in June 1987 to support and promote economic development of Atlantic Canada by developing and implementing policies, programs and projects, with particular emphasis on small and medium-sized enterprises. ACOA's key partners in the development of the Atlantic Canada economy are businesses, provincial governments, municipal governments, institutions, business and community associations, universities and those federal departments whose policies significantly affect the economy of the region.

### Legislative Mandate

The Agency derives its mandate from Part I of the Government Organization Act, Atlantic Canada 1987 R.S., c. 41 (4th Supp.) otherwise known as the: Atlantic Canada Opportunities Agency Act.

### Initiatives for 1995

#### ACOA/95-01-O-L

##### ACOA Loan Insurance

These regulations provide insurance for up to 90 per cent of a loan made by a commercial lender to an Atlantic Canada applicant to finance the establishment, expansion or modernization of a commercial enterprise. ACOA inherited the Loan Insurance program from the Department of Regional Industrial Expansion (DRIE) and has operated the program since early 1990. The present regulations (SOR/91-283) include a sunset date of March 31, 1995. The planned regulations are intended to extend the program and effect minor changes. As a result of ACOA's increased focus on small and medium-sized

businesses, the use of loan insurance has declined. However, an extensive review of the program, carried out in 1992, concluded that the Loan Insurance program is a useful regional development tool and should be continued. ACOA funds a reserve for bad debts. The renewal of this program will not result in any costs beyond approved reference levels.

**Legal Authority:** Atlantic Canada Opportunities Agency Act, section 13(f) and section 20(2)(a)

**Status:** This is a renewal of an initiative which has been in effect for at least 10 years.

**Contact:** John Hutchinson, ACOA, P.O. Box 6051, Moncton, New Brunswick, E1C 9J8.  
Tel.: (506) 851-3818; Fax: (506) 851-7403.

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#### ACOA/95-02-O-L

##### Action Loan

These regulations provide Atlantic Canada entrepreneurs with unsecured financing of up to \$1 million for capital and non-capital investments for which, because of their nature, traditional financing is difficult to secure. ACOA initiated the Action Loan program in 1992 and the present regulations (SOR/92-496) include a sunset date of March 31, 1995. The planned regulations are intended to extend the program and effect minor changes. As a result of ACOA's increased focus on small and medium-sized businesses, the Action Loan program has been a very useful tool for addressing the traditional venture capital shortage in Atlantic Canada. An extensive review of the program, carried out after the first year of operation, resulted in minor changes to operating practices but concluded that the Action Loan program is a useful regional development tool and should be continued. Action Loans are fully repayable and interest bearing. They are financed out of Grants and Contributions budgetary allocations. The renewal of this program will not result in any costs beyond approved reference levels.

**Legal Authority:** Atlantic Canada Opportunities Agency Act, section 13(e) and section 20(2)(a)

**Status:** This is a renewal of an initiative which has been in effect since 1992.

**Contact:** John Hutchinson, ACOA, P.O. Box 6051, Moncton, New Brunswick, E1C 9J8.  
Tel.: (506) 851-3818; Fax: (506) 851-7403.

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# Atomic Energy Control Board

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## General Information

### Roles and Responsibilities

The Atomic Energy Control Board (AECB) is a federal Crown corporation established in 1946 by the Atomic Energy Control Act. To ensure that the use of nuclear energy in Canada does not pose undue risk to health, safety, security and the environment, the AECB regulates and licenses nuclear materials and prescribed substances in cooperation with other federal and provincial departments in such areas as health, environment, transport and labour.

The AECB sets standards, imposes requirements and assesses applicants' capabilities to comply. Once a licence is issued, the AECB carries out compliance inspections to ensure adherence to licence conditions and to the Atomic Energy Control Regulations. To ensure that Canada's national policies and international commitments relating to the non-proliferation of nuclear explosives are met, the AECB controls all imports and exports of nuclear materials and items, in cooperation with other federal government agencies.

The AECB is responsible for the designation of nuclear installations for the purposes of the Nuclear Liability Act. It also prescribes basic insurance to be carried by the operators of such designated installations. The

amount of basic insurance is subject to approval by the Treasury Board.

### Legislative Mandate

The following legislation is administered by the Atomic Energy Control Board:

- Atomic Energy Control Act
- Nuclear Liability Act

### Initiatives for 1995

AECB/95-1-O-M

#### Radiation Protection Regulations

This initiative will bring Canadian regulations into line with the latest recommendations of the International Commission on Radiological Protection (ICRP). Review and analysis by the Commission of recent information on the health effects of radiation have indicated that radiation dose limits should be lowered. The AECB proposes to adopt the Commission's recommendations, with few changes.

The new limits are expected to have little socio-economic effect on most of the nuclear industry, but certain specific sectors may experience difficulties in meeting the new limits, particularly underground uranium mining. Hence, there is a possibility of significant socio-economic impacts in these sectors. In order to ascertain the anticipated impacts more precisely, a consultative document was sent to all licensees. In addition, a questionnaire which sought details of specific financial, technical and social impacts of the new limits was sent to all licencees of major facilities and to a representative sample of all other licensees. The consultative document was also sent to other organizations and members of the public who would be affected or who have an interest in the matter.

Analysis of the information received from the consultative document and questionnaire has led to some modifications of the original proposals. These will lessen the socio-economic impact on the uranium mining industry and the nuclear generating industry without departing from the recommendations of the ICRP. The socio-economic impact of the dose limit for pregnant radiation workers, which is designed to protect the fetus, has been addressed by means of a series of public meetings set up by the AECB to give



those concerned the opportunity to express their views and help develop a suitable form of regulation. A revised proposal based on the recommendations presented at the meetings has been developed.

The new limits will benefit workers and the public by keeping risks of adverse health effects from radiation exposures to levels comparable to risks from other occupational and environmental factors.

**Legal authority:** Atomic Energy Control Act, section 9

**Status:** This initiative appeared in the 1994 Regulatory Plan as AECB-4.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

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AECB/95-2-N-L

### **Industrial Radiography Regulations**

It is proposed to revoke section 18 of the Atomic Energy Control Regulations and replace it with the Industrial Radiography Regulations.

Current regulations dealing with industrial radiography, which are more than 10 years old, do not address recent developments in equipment design and safe operating practices. New standards respecting the design of radiography exposure devices have been adopted internationally, and the proposed regulations will require equipment used in Canada to meet these standards. In addition, current regulations do not give the AECB adequate, effective control over qualified operator status. The proposed regulations will allow the AECB to suspend or revoke a qualified operator's certificate for defined breaches of the Regulations.

**Legal Authority:** Atomic Energy Control Act, section 9

**Status:** This is a new initiative.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

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AECB/95-3-N-L

### **Nuclear Security Regulations**

It is proposed to amend the Physical Security Regulations and to change the title, to better reflect the current application of physical protection measures and current international standards for the security of nuclear facilities and materials, as appropriate.

The Physical Security Regulations, promulgated in 1983, have remained virtually unchanged even though a number of shortcomings, most of them minor, have been identified. The International Atomic Energy Agency (IAEA) recommendations in its document, The Physical Protection of Nuclear Materials, INFCIRC/225/Rev.3, have been amended twice since 1989. These recommendations are considered to be the international standard for nuclear physical security and Canadian regulations should, as appropriate, reflect this standard. Additionally, in 1986 Canada ratified The Convention on the Physical Protection of Nuclear Materials, INFCIRC/274/Rev. 1, which sets out security requirements for the international transport of nuclear materials. The Physical Security Regulations do not include provisions for the secure transport of nuclear materials, either domestically or internationally; therefore, since transportation in nuclear materials is increasing, the Physical Security Regulations will be amended accordingly.

**Legal Authority:** Atomic Energy Control Act, section 9

**Status:** This is a new initiative.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

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AECB/95-4-O-1

### **Transport Packaging of Radioactive Materials**

These amendments conform with changes to regulations of the International Atomic Energy Agency (IAEA). Regulations published by the IAEA for the safe transport of radioactive materials are the basis for similar regulations in most countries as well as those for international air and marine organizations.

As a major exporter of radioactive materials, Canada has participated in the development of IAEA regulations since their inception in 1961 and has adopted them for use in Canada. Most recently,

Canada participated in a major review and updating of IAEA regulations by experts from many countries. The results of this work have been published as IAEA Regulations for the Safe Transport of Radioactive Material, 1985 edition as amended. The proposed amendments will ensure that Canadian regulations for the transportation of radioactive materials conform with the revised IAEA regulations. The amendments will be presented as a complete revision of the Transport Packaging of Radioactive Materials Regulations in order to improve the clarity and presentation of the Regulations.

The amendments will include new requirements for the shippers of radioactive materials in the areas of quality assurance, testing, labelling, identification, definitions and the classification of types of packages. These increased standards will have some financial implications for the shippers; however, compliance with the requirements will permit unhindered international shipments of radioactive materials while ensuring improved protection for persons and the environment.

**Legal Authority:** Atomic Energy Control Act, section 9

**Status:** This initiative appeared in the 1994 Regulatory Plan as AECB-5.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

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AECB/95-5-O-L

### **Uranium Mines (Saskatchewan) - Occupational Health and Safety**

The proposed amendment to the Atomic Energy Control Regulations incorporates Saskatchewan occupational health and safety laws that apply in uranium mines in Saskatchewan.

Uranium mines are subject to the Atomic Energy Control Act and Regulations. The Canada Labour Code (the Code) also applies to uranium mines in areas not specifically provided for in the Atomic Energy Control Regulations, as in the case of non-radiological occupational health and safety. Since 1979, the Code has contained a reference to the Saskatchewan Occupational Health and Safety Act and Mines Regulations which has ensured that the laws in Saskatchewan that apply to conventional occupational health and safety in non-uranium mines also apply in uranium mines. Recent changes to the

Code make it no longer possible to reference regulations of another jurisdiction. Therefore, amendment to the Atomic Energy Control Regulations is required to ensure that Saskatchewan occupational health and safety laws for non-uranium mines also apply in uranium mines.

The amendment will not change the application of occupational health and safety laws and regulations in Saskatchewan uranium mines and therefore will have no impact on the industry. An agreement for administration of the Atomic Energy Control Regulations, similar to one already in force in Ontario, will be negotiated between the Atomic Energy Control Board and the Saskatchewan Ministry of Human Resources, Labour and Employment.

**Legal authority:** Atomic Energy Control Act, section 9

**Status:** This initiative appeared in the 1994 Regulatory Plan as AECB-2.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

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AECB/95-6-R-1

### **Uranium Mines (Ontario) - Occupational Health and Safety**

These amendments arise from changes to referenced Ontario regulations.

The Uranium Mines (Ontario) Occupational Health and Safety Regulations enable the application of Ontario laws respecting non-radiological health and safety in uranium mines. To ensure conformity, the legal reference in federal regulations must be amended each time the Province of Ontario decides to amend the Ontario Occupational Health and Safety Act and Regulations.

To assess the impact of amended regulations, the Province of Ontario carries out a public consultation process.

**Legal Authority:** Atomic Energy Control Act, section 9

**Status:** This is a recurring initiative.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

## **Cost Recovery Fees Regulations (Amendments)**

The fees levied under these regulations are intended to recover the costs incurred by the AECEB in the regulation assessment and compliance inspection of licensees. The Regulations resulted from government policy respecting the recovery of such costs from the regulated industry. An annual review of the actual costs of the licensing activities will result in adjustments to the fees schedule to ensure that fees reflect as closely as possible the costs associated with the various licensing activities.

**Legal authority:** Atomic Energy Control Act, section 9

**Status:** This is a recurring initiative.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206;  
Fax: (613) 995 5086.



# Canada Mortgage and Housing Corporation

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## General Information

### Roles and Responsibilities

Canada Mortgage and Housing Corporation (CMHC) is a federal Crown corporation. It was established by the Central Mortgage and Housing Corporation Act in 1946 to administer federal housing legislation. The present name was adopted in 1979.

The principal role of the Corporation is the administration of the National Housing Act (NHA), which includes administering: residential mortgage loan insurance; timely payment of mortgage-backed securities; land and housing development; loans and subsidies on behalf of the government; housing and related research of all kinds; loans, investments and other assets of the Corporation; and technical services to other federal departments and agencies and to home warranty programs.

Programs active in delivery or under administration include mortgage loan insurance, NHA Mortgage-Backed Securities, residential rehabilitation assistance, rent supplement, public housing, non-profit housing, urban native non-profit housing, rural and native housing, on-reserve housing, former lending programs, residential development of federal land, demonstration projects and support of research.

Social housing programs may also be delivered by provinces or territories subject to cost-sharing arrangements.

The National Housing Loan Regulations and various orders in council are enabling in nature, providing for program detail not contained in the NHA.

## Legislative Mandate

The following statutes are administered by CMHC:

- Canada Mortgage and Housing Corporation Act
- National Housing Act

## Initiatives for 1995

CMHC/95-1-O-L

### Loan Insurance and Mortgage-Backed Securities

These amendments will reflect the continual review of the effectiveness of regulations in light of business and policy evolution. Areas to be addressed may include more flexible loan security, advancing and repayment arrangements, lenders' undertakings on loan insurance claims, fire insurance requirements for insured social housing loans, guarantee requirements; more flexible repayment of debenture loans, and net worth, loan, security and loan-pool requirements for NHA Mortgage-Backed Securities issuers, as well as housekeeping matters. The amendments will simplify some procedures and support cost-effectiveness.

**Status:** Part of this initiative appeared in the 1994 Regulatory Plan as CMHC-1.

**Contact:** Douglas G. Dennis, Director, Insurance Products Division, CMHC National Office, 700 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel.: (613) 748-4675; Fax: (613) 748-2606.

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CMHC/95-2-O-L

### Social Housing

These amendments will support policy developments in social housing programs, including those anticipated to be adopted in 1995. They may include facilitating rent supplements directly delivered by CMHC, supporting the more effective use of contributions or grants, revising the conditions of financial assistance, and improving coverage, targeting, harmonization and streamlining. The amendments will support cost-effective program delivery and administration.

**Status:** Part of this initiative appeared in the 1994 Regulatory Plan as CMHC-2.

**Contact:** Douglas V. Tyler, Director, Legal Division,  
CMHC National Office, 700 Montreal Road, Ottawa,  
Ontario, K1A 0P7. Tel.: (613) 748-2892;  
Fax: (613) 748-4098.

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## **Future Initiative**

### **Loan Insurance Products**

Some interest has been expressed in making loan insurance more readily available for land and construction and in more flexible loan ratios. If these ideas are adopted, there will be supporting changes to regulations.

**Classification:** Low-cost initiative

**Contact:** Douglas G. Dennis, Director, Insurance  
Products Division, CMHC National Office,  
700 Montreal Road, Ottawa, Ontario, K1A 0P7.  
Tel.: (613) 748-4675; Fax: (613) 748-2606.

# Canadian Human Rights Commission

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## General Information

### Role and Responsibilities

The Canadian Human Rights Commission, established in 1978 pursuant to the Canadian Human Rights Act, is responsible for administering the Act by ensuring that the principles of equal opportunity and non-discrimination are implemented in all areas of federal jurisdiction. Specifically, the Commission deals with complaints of discrimination in employment and in the provision of services based on the grounds enumerated in the Act: race, colour, national or ethnic origin, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted. As a result of a court decision in 1992, sexual orientation is now deemed to be included as a prohibited ground.

The Commission also investigates complaints alleging inequities in pay between men and women who are performing work of equal value. In the field of employment equity, the Employment Equity Act requires that copies of annual reports filed by federally regulated employers be made available to the Commission, which monitors the performance of these employers and, where appropriate, initiates or pursues actions brought under the Canadian Human Rights Act.

The Commission's statutory authority encompasses all areas of federal jurisdiction including federal departments and agencies, Crown corporations, private companies that regularly transport goods or people across provincial or national borders, chartered banks, interprovincial or international pipelines, federally regulated broadcasting and telephone companies, and grain elevator companies that handle radioactive materials.

The Commission is an independent agency which reports to Parliament through the Minister of Justice.

## Legislative Mandate

The Canadian Human Rights Commission is responsible for the Canadian Human Rights Act.

## Initiative for 1995

CHRC/95-1-N-1

### Canadian Human Rights Act: Investigation Regulations

This initiative is designed to improve the fairness of the investigative process of the Canadian Human Rights Act by reducing the time it takes to deal with a complaint. Proposed investigation regulations would prescribe time frames for investigations and deal with certain other basic procedural matters.

These regulations are necessary to address one of the factors that slow down the investigation process: delays by parties to complaints in responding to requests for information. Close examination of the complaints process has revealed that some large respondents take, on average, three to four months to respond to requests for their position regarding complaints filed against them. Regulations are being considered that would impose shorter time frames on complainants and respondents. This initiative will make the investigation process more timely and thus more fair to all concerned. It will complement administrative reforms that the Commission has implemented to speed up the process.

**Legal Authority:** Canadian Human Rights Act, section 43(4)(a) and (b)

**Status:** This is a new initiative.

**Contact:** Bill Pentney, General Counsel, Legal Services, Canadian Human Rights Commission, 320 Queen Street, Place de Ville, Tower A, 15th Floor, Ottawa, Ontario, K1A 1E1. Tel.: (613) 943-9153; Fax: (613) 993-3089.



# Canadian Radio-television and Telecommunications Commission

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## General Information

### Roles and Responsibilities

The Canadian Radio-television and Telecommunications Commission (CRTC), a public authority that is organizationally and legally independent of government departments, does not require ministerial approval for its regulatory initiatives. The CRTC was established by Parliament in 1968 by the Broadcasting Act to regulate and supervise all aspects of the Canadian broadcasting system. Its responsibilities were enlarged in 1976 by the CRTC Act, under which the Commission assumed responsibility for regulating telecommunications carriers within federal jurisdiction, in accordance with the Railway Act and the National Telecommunications Powers and Procedures Act.

Under the Broadcasting Act 1991, the CRTC must “regulate and supervise all aspects of the Canadian broadcasting system” with a view to implementing the policy outlined by Parliament in subsection 3(1) of the Act, having regard to the regulatory policy set out in subsection 5(2). The CRTC, which regulates both public and private broadcasters, has the power to issue, renew, amend, suspend or revoke licences and to set conditions of licence for the achievement of the objectives of the Act.

The 13 full-time members and six part-time members of the Commission, or the members of a panel for a

public hearing, make decisions with respect to all broadcast licensing matters and determine the Commission’s broadcasting policies. The Commission prescribes classes of broadcasting licences, and makes by-laws, regulations and rules of procedure.

Regulations on broadcasting matters are issued following public consultation in accordance with subsections 10(3) and 11(5) of the Broadcasting Act. Where major changes to the broadcasting regulations are proposed, written comments are invited and an oral public hearing may be held at which interested parties present their views. Public hearings are also held in connection with the issuance, suspension or revocation of a licence, the establishment of performance objectives for the purpose of licence fees and the making of orders, in accordance with subsection 18(1) of the Broadcasting Act. They are frequently held in connection with the renewal or amendment of a licence, pursuant to subsection 18(2). In addition, the Commission solicits public opinion before developing policies and practices or modifying existing ones.

The CRTC’s regulatory mandate with respect to telecommunications derives from several statutes, including the Telecommunications Act (which, effective October 25, 1993, replaced the telecommunications-related sections of the Railway Act and the National Telecommunications Powers and Procedures Act) and special acts for some of the federally regulated carriers. Section 25 of the Telecommunications Act requires that a carrier’s rates be filed for approval by the Commission; section 27 states that all such rates shall be just and reasonable, and that a carrier shall not unjustly discriminate or give any undue preference or advantage in respect of its services or rates. The CRTC also seeks public comment on applications from federally regulated carriers and other parties, and often holds public hearings on general rate increases or significant policy issues.

The issuance, amendment or renewal of any broadcasting licence may be set aside or referred back to the Commission for reconsideration and hearing, by order of the Governor in Council. Subject to such an order or a decision of the Federal Court of Appeal,

every broadcasting decision and order of the Commission is final and conclusive.

Under section 12 of the Telecommunications Act, the Governor in Council can vary, rescind or refer back decisions made by the Commission relating to the federally regulated telecommunications carriers.

An appeal against a broadcasting or telecommunications decision or order of the Commission may be made, with leave, to the Federal Court of Appeal upon a question of law or a question of jurisdiction.

The activities of this Commission, such as the licensing of broadcasting undertakings or the approval of the interconnection of telecommunications carriers, are frequently in response to private-sector initiatives and cannot, therefore, be planned in advance. In some instances, notices of these activities are published in *Canada Gazette*, Part I.

## Legislative Mandate

- Broadcasting Act
- Canadian Radio-television and Telecommunications Act
- Telecommunications Act

## Initiatives for 1995

CRTC/95-1-N-L

### Canadian Talent Development Assessment

On November 2, 1992, the Commission issued CRTC Public Notice 1992-72 entitled "A Review of the CRTC's Regulations and Policies for Radio", which contained recommendations designed to address the economic plight of private radio. Among other initiatives, the document recommended a review of Canadian talent development activities which would examine criteria used, define acceptable initiatives, discuss the nature of direct vs. indirect commitments, establish equivalent dollar values for indirect commitments, and discuss the relationship between a station's revenues and the value of its Canadian talent development initiatives. The Commission is currently conducting informal consultations with industry representatives and a further public process is anticipated in the next year.

**Status:** This is a new initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.

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CRTC/95-2-R-L

### Digital Radio

The introduction of digital radio is an issue the Commission will face in the near future. The Minister of Communications formed a joint government/industry task force in 1992 with a mandate to make recommendations and provide advice on a broad range of issues associated with the implementation of digital radio. The Commission has been participating in the work of this task force, as an observer, since the task force was formed. As well, the Commission will consider a number of digital radio issues within the context of a public process in early 1995.

**Status:** This is an ongoing initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.

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CRTC/95-3-O-L

### Television

On March 29, 1994, the Commission issued CRTC Public Notice 1994-37 entitled "Proposed Amendments to the Television Broadcasting Regulations, 1987: Revisions to Restrictions on the Permissible Amount of Advertising Material," which examines proposed amendments to section 11 of the television regulations, and other issues related to non-traditional forms of advertising, such as infomercials. Allowing Canadian broadcasters to earn revenues from infomercials, by condition of license and under strict guidelines, may improve their ability to compete in the rapidly evolving communications market and help them meet their obligations under the Broadcasting Act to provide high-quality Canadian programming.

**Status:** Part of this initiative appeared in the 1994 Regulatory Plan as CRTC-4.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.

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CRTC/95-4-N-L

## **Licensing vs. Exemption/Full-Motion Home Shopping Infomercial Channels**

In the fall of 1993, the CRTC received four applications for full-motion home shopping and/or infomercial channels as part of the group of new specialty applications. The Commission subsequently decided not to hear these applications in the February 1994 hearings for new specialty services.

Under subsection 9(4) of the Broadcasting Act, the Commission can exempt broadcasters in specified classes from licensing and other requirements.

On December 8, 1993, the Commission issued CRTC Public Notice 1993-172 entitled "Call For Comments - Home Shopping Infomercial Services."

In this public notice, the Commission asked for comments on whether or not full-motion home shopping and/or infomercial services should be required to hold a license or should be considered an exempt class in order to ensure that the general principles and objectives of section 3 of the Broadcasting Act are met.

The Commission also requested comment in this public notice on the specific criteria that could define the characteristics of an exempt class.

For the purposes of cable distribution, the Commission also sought advice in Public Notice 1993-172 as to what priority cable carriage home shopping and infomercial services should have in the event that these services become exempt.

The Commission intends to issue a public notice outlining its position on these issues.

**Status:** This is a new initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.

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CRTC/95-5-O-L

## **Radio, Television and Specialty Services Regulations**

The radio, television and specialty services regulations contain provisions regarding pre-clearance of advertisements for certain alcoholic beverages. The Commission expects to propose an amendment to the regulations to allow the pre-clearance process to be undertaken by the Canadian Advertising Foundation on behalf of the Commission.

**Status:** This initiative appeared in the 1994 Regulatory Plan as CRTC-5.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.

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CRTC/95-6-N-L

## **Telecommunications Fees Regulations**

The CRTC Telecommunications Fees Regulations determine the mechanism and procedure for calculating and collecting an annual fee for regulatory services from telecommunications carriers under federal jurisdiction. Amendments will be proposed to bring the fees closer in line with actual costs of regulation. They will come into effect April 1, 1995. The amendments are expected to have a negligible economic impact.

**Status:** This is a new initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.

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CRTC/95-7-O-L

## **Telecommunications Rules of Procedure**

The CRTC Telecommunications Rules of Procedure set out the procedures to be followed in connection with telecommunications proceedings. Amendments will likely be proposed to bring the rules of procedure into line with the decision flowing from the Review of Regulatory Framework hearing held in November 1993. The amendments are expected to have a negligible economic impact.

**Status:** This initiative appeared in the 1994 Regulatory Plan as CRTC-7.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel.: (819) 997-4427; Fax: (819) 994-0218.



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## General Information

### Roles and Responsibilities

The Copyright Board is an administrative tribunal that hears and decides issues pursuant to the Copyright Act with respect to the fixing of royalties payable to collectives representing the authors of works protected by the Act. The Board may also issue a licence to carry out an act protected by the law where the copyright holder of a published work cannot be located.

More specifically, the Board:

- establishes royalties payable to licensing bodies for the performance or the communication by telecommunication in Canada of musical or dramatico-musical works (sections 67 to 67.3 of the Copyright Act);
- establishes royalties payable to collecting bodies for the retransmission of distant television and radio signals (sections 70.61 to 70.67 of the Act);
- establishes royalties payable to licensing bodies for all other acts mentioned in subsection 3(1) of the Copyright Act where there is a disagreement between the collective and users, or when the Director of Investigation and Research, appointed under the Competition Act, considers that an agreement filed with the Board is contrary to the public interest and requests that the Board examine this agreement (sections 70.1 to 70.6 of the Act); and
- issues non-exclusive licences for any act protected by copyright with respect to published works where the owner of the copyright cannot be located (section 70.7 of the Act).

Also, the Board may be required to conduct studies with respect to the exercise of its powers as requested by the Minister of Industry (section 66.8 of the Act).

### Legislative Mandate

- Copyright Act

### Initiatives for 1995

CB/95-1-O-L

#### Copyright Board Rules of Practice and of Procedure

This regulation defines some of the rules to be followed by the parties dealing with the Copyright Board. It defines instances where it becomes necessary to send notices to people affected by a tariff and specifies the information to be submitted when filing such a tariff. Finally, this regulation will set the quorum for various types of proceedings before the Board.

The Regulation will allow parties appearing before the Board to know in advance some of the rules governing the Board's hearings.

**Status:** This initiative appeared in the 1994 Regulatory Plan as CB-1.

**Contact:** Claude Majeau, Secretary, Copyright Board, 50 Sparks Street, Suite 800, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-8621; Fax: (613) 952-8630.

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CB/95-2-O-L

#### Regulation on the deadline for filing claims concerning rights arising from the retransmission of work whose owner is not represented by a collecting body

This regulation will establish the period during which the owner of the retransmission right may present a claim, pursuant to section 70.66 of the Copyright Act, to a collecting body.

**Status:** This initiative appeared in the 1991 Regulatory Plan as 673-CB.

**Contact:** Claude Majeau, Secretary, Copyright Board, 50 Sparks Street, Suite 800, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-8621; Fax: (613) 952-8630.

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**General Information**

**Roles and Responsibilities**

The Workplace Hazardous Materials Information System (WHMIS) is a national system that was developed following extensive consultation between organized labour, industry and the federal, provincial and territorial governments to provide employees in the workplace with information on hazards associated with hazardous materials.

Recognizing the importance of striking a balance between the rights and needs of workers to be provided with information on hazardous materials and the right of suppliers and employers to preserve the confidentiality of bona fide confidential business information, the participants agreed to the establishment of an independent adjudicative agency to determine the validity of claims for exemption from full disclosure and to provide for appeals arising from such judgments. The Hazardous Materials Information Review Commission was established by the Hazardous Materials Information Review Act, passed by the House of Commons in June 1987.

The Commission has the authority, under the Hazardous Materials Information Review Act, to make decisions on claims from suppliers or employers for limited exemption from the reporting requirements of WHMIS on the basis that disclosure

would reveal confidential business information. Commission staff also determine whether material safety data sheets or labels accompanying products for which an exemption is claimed comply with the provisions of the Hazardous Products Act, Part II of the Canada Labour Code and provincial and territorial occupational safety and health legislation.

The Commission is also responsible for convening independent boards to hear appeals of its decisions by claimants or by other affected parties.

Finally, the Commission has been directed to recover its operating costs through fees for the filing of claims and appeals.

The Commission is headed by a president appointed by the Governor in Council and is governed by a council of governors consisting of members nominated by representatives of workers, suppliers, employers and members representing the governments of Canada and the provinces and territories. The functions of the Council are, among others, to make recommendations to the Minister of Health on changes to regulatory procedures established to review claims for exemption and appeals, and on changes to the fee structure.

The Commission reports to Parliament through the Minister of Health.

**Legislative Mandate**

The statute under the jurisdiction of the Hazardous Materials Information Review Commission is the following:

- Hazardous Materials Information Review Act

**Initiatives for 1995**

HMIRC/95-1-O-L

**Appeal Board Procedures Regulations - Fee Reduction**

The Hazardous Materials Information Review Act Appeal Board Procedures Regulations will require minor revisions as a result of amendments already made to the Commission's fee structure (SOR 91-419). Included in the fee amendments is a 50-per-cent fee reduction for appeals filed by small businesses, small unions and individual workers. This fee adjustment

needs to be reflected appropriately in the Appeal Board Procedures Regulations.

In addition, other minor revisions to these regulations will be required as a result of proposed amendments to the Hazardous Materials Information Review Act and the Canada Labour Code. These changes will permit an affected party or class of affected parties to make separate application for disclosure, in confidence, of confidential business information, solely for reasons of safety and health in a workplace. This initiative will also include such other consequential amendments as are necessary to reflect the statutory changes.

The Commission's council of governors, representing industry, labour and federal, provincial and territorial governments, was consulted in respect of these proposed amendments.

**Legal Authority:** Hazardous Materials Information Review Act, subsection 48(2)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HMIRC-1.

**Contact:** Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, Suite 9000, 200 Kent Street, Ottawa, Ontario, K1A 0M1. Tel.: (613) 993-4472; Fax: (613) 993-4686.

HMIRC/95-2-O-L

## **Hazardous Materials Information Review Regulations - General Amendments**

Proposed amendments to the Hazardous Materials Information Review Act and the Canada Labour Code will necessitate consequential amendments to the Hazardous Materials Information Review Regulations. These revisions will be of a minor, technical nature and are required to reflect the statutory changes within these regulations.

The Commission's council of governors, representing industry, labour and federal, provincial and territorial governments, was consulted and agreed to the proposed legislative changes.

**Legal Authority:** Hazardous Materials Information Review Act, subsection 48(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as HMIRC-2.

**Contact:** Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, Suite 9000, 200 Kent Street, Ottawa,

Ontario, K1A 0M1. Tel.: (613) 993-4472; Fax: (613) 993-4686.

## **Future Initiatives**

### **Hazardous Materials Information Review Act and Canada Labour Code - General Amendments**

The proposed amendments to the Hazardous Materials Information Review Act are technical in nature and address a number of deficiencies that require correction to ensure that the Commission's legislative base properly implements the policy agreed to by the federal and provincial governments, business and organized labour respecting the Workplace Hazardous Materials Information System (WHMIS). The amendments include correcting inconsistencies between the two official language versions of the Act, better ensuring the protection of confidential business information, and allowing people to apply for access to confidential business information for reasons of health and safety in a workplace. Amendments to the Canada Labour Code are also proposed in order to ensure the protection of confidential business information from forced disclosure under another act.

The alternative to proceeding with these amendments is to leave several deficiencies in the Act that limit the protection of legitimate confidential business information. As well, the Act currently impedes the protection of health and safety of workers where access to confidential business information is obstructed.

Also included is an amendment to streamline existing statutory requirements relative to the publication of notices of decision/order in the *Canada Gazette*. This will reduce the Commission's publishing costs.

Industry, labour and federal, provincial and territorial governments have been consulted and they agree with the proposed amendments.

**Classification:** Low-cost initiative

**Contact:** Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, Suite 9000, 200 Kent Street, Ottawa, Ontario, K1A 0M1. Tel.: (613) 993-4472; Fax: (613) 993-4686.



## **Hazardous Materials Information Review Act - WHMIS Exclusions Review**

The government's response to the recommendations of the parliamentary committee on the WHMIS exclusions will be implemented through legislative amendments as well as regulatory changes.

WHMIS-equivalent information will be required for most products currently excluded from WHMIS, including pesticides. The impact on the Commission centres on the specific requirement for pesticide products to comply with the WHMIS disclosure requirements. As a result, pesticide suppliers may submit claims for trade secret exemption to the Commission. As pesticides are legislated under the Pest Control Products Act, both the Hazardous Materials Information Review Act and the Pest Control Products Act and their respective regulations will be amended to reflect this new requirement.

Industry, labour and federal, provincial and territorial governments have been consulted and they agree with the proposed amendments.

**Classification:** Intermediate-cost initiative

**Contact:** Sharon Watts, Director of Appeals,  
Hazardous Materials Information Review  
Commission, Suite 9000, 200 Kent Street, Ottawa,  
Ontario, K1A 0M1. Tel.: (613) 993-4472;  
Fax: (613) 993-4686.

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## **Hazardous Materials Information Review Regulations - Simplification of Fee Structure**

The current fees are intended to recover costs of operations from that portion of industry that is regulated by the Commission's statutory authority. The current fee structure allows grouping of claims for exemption submitted to the Commission, subject to grouping criteria, to allow industry to save some money on filing fees, based on the volume of claims in the submission.

The regulated industry sector has raised concerns relating to the fee structure, contending it is somewhat complicated and could be simplified.

The Commission will be examining its fee regulations, with a view to simplifying the existing structure, in consultation with the Commission's council of governors, which represents industry, labour and federal, provincial and territorial governments.

**Classification:** Low-cost initiative

**Contact:** Sharon Watts, Director of Appeals,  
Hazardous Materials Information Review  
Commission, Suite 9000, 200 Kent Street, Ottawa,  
Ontario, K1A 0M1. Tel.: (613) 993-4472;  
Fax: (613) 993-4686.

# *Immigration and Refugee Board*

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## **General Information**

### **Roles and Responsibilities**

The Immigration and Refugee Board (IRB) is an independent agency which was created by the adoption of An Act to amend the Immigration Act, 1976 and to amend other acts in consequence thereof S.C. 1988, c. 35 (commonly referred to as C-55), which came into force on January 1, 1989. Further amendments were brought to the Immigration Act with the coming into force of S.C. 1992, c. 49 (commonly referred to as C-86) on February 1, 1993. In its present form, the IRB is composed of three divisions, each with its own tribunal; these divisions are the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD) and the Adjudication Division (AD).

The basic objectives of the IRB are divided among the divisions. The CRDD determines refugee claims made in Canada that have been referred from a senior immigration officer, once a positive determination on eligibility is made, to the CRDD. The IAD is an appeal tribunal available to certain categories of persons who have been denied entry to or ordered removed from Canada, or to Canadian citizens and permanent residents with relatives whose applications for permanent residence in Canada have been refused. The AD is a tribunal with jurisdiction over immigration inquiries and detention reviews.

### **Legislative Mandate**

The legislative mandate for the IRB derives from Part IV of the Immigration Act. The Immigration Regulations, 1978, deal with conditions for admission and removal from Canada of non-Canadian citizens. These relate for the most part to the work of IAD and the AD. The Convention Refugee Determination

Division Rules, the Immigration Appeal Division Rules and the Adjudication Division Rules set out the rules of practice and procedure for the three tribunals.

### **Initiatives for 1995**

IRB/95-1-O-L

#### **Convention Refugee Determination Division Rules, Amendments**

The Convention Refugee Determination Division Rules (the "CRDD Rules") were introduced in February 1989. The coming into force of S.C. 1992, c. 49, which contained significant amendments to the Immigration Act, required that these CRDD Rules be revoked and new CRDD Rules be approved. New CRDD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new CRDD Rules. In addition to rectifying the shortcomings, this initiative will also allow for the inclusion of new rules which may become necessary to accommodate certain anticipated changes to the Immigration Act contained in draft legislation (Bill C-44). The initiative will benefit participants in the CRDD hearings process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

The initiative will likely result in amendment of the following CRDD Rules: designation of presiding member; manner of referral of claim to the Refugee Division; change of venue; information respecting the claim; notice to appear; preliminary conference; conferences; applications for public hearings and confidentiality; witnesses; general motions; abandonment; withdrawal; reinstatement; and service; and the rule regarding non-compliance with a requirement of the CRDD Rules. Re-evaluation of the time frames referred to in the above and all other CRDD Rules will also form part of the initiative. In addition, the initiative will include new rules such as ones requiring notification of the CRDD on constitutional questions, notification of the CRDD of counsel's withdrawal from claim, disclosure and service of certain motions on the Minister, and a rule on deemed service.

The initiative will also serve as an opportunity to incorporate certain style changes, to rationalize terminology where necessary, and to reorganize the sequence of the Rules to make them easier to use and apply.

**Legal Authority:** Immigration Act, section 65(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IRB-1.

**Contact:** Gerald H. Stobo, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 996-0270.

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IRB/95-2-O-L

### **Immigration Appeal Division Rules, Amendments**

The Immigration Appeal Division Rules (the "IAD Rules") were introduced in October 1990. The coming into force of S.C. 1992, c. 49, which contains significant amendments to the Immigration Act, required that these IAD Rules be revoked and new IAD Rules be approved. New IAD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new IAD Rules. In addition to rectifying the shortcomings, this initiative will also allow for the inclusion of new rules which may become necessary to accommodate certain anticipated changes to the Immigration Act contained in draft legislation (Bill C-44). The initiative will also include any new rules which become necessary as a result of the anticipated coming into force of Immigration Regulations on medical inadmissibility. This initiative will benefit participants in the IAD appeal process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

The initiative will likely result in amendment of the following IAD Rules: service of notice of appeal from a removal order or conditional removal order; notice to appear; disclosure; application for summons; applications; service and filing; all of the service of record rules; rules on appeals by the Minister and by sponsors; and the rule regarding non-compliance with a requirement of the IAD Rules. Re-evaluation of the time frames referred to in the above and all other IAD Rules will also form part of the initiative. In addition, the initiative will include new rules requiring

notification of the IAD on constitutional questions and notification of the IAD of counsel's withdrawal from an appeal, a rule on deemed service, and rules accommodating the coming into force of Immigration Regulations on medical inadmissibility.

The initiative will also serve as an opportunity to incorporate certain style changes, to rationalize terminology where necessary, and to reorganize the sequence of the Rules to make them easier to use and apply.

**Legal Authority:** Immigration Act, section 65(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IRB-2.

**Contact:** Gerald H. Stobo, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 996-0270.

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IRB/95-3-O-L

### **Adjudication Division Rules, Amendments**

The Adjudication Division Rules (the "Adjudication Rules") were introduced in February 1993 as a result of the coming into force of S.C. 1992, c. 49, which contained significant amendments to the Immigration Act. The Adjudication Rules replace and supplement relevant provisions of the Immigration Regulations, 1978 regarding the practice and procedure relating to inquiries and hearings held before an immigration adjudicator.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the Adjudication Rules. In addition to rectifying the shortcomings, this initiative will also allow for the inclusion of new rules which may become necessary to accommodate changes to the Immigration Act contained in draft legislation (Bill C-44). This initiative will benefit participants in the adjudication inquiries and hearings process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

The initiative will likely result in amendment of the following Adjudication Rules: definitions; change of venue; postponements and adjournments; disclosure; applications to ensure confidentiality; application for summons; decisions and service; and the rule regarding non-compliance with a requirement of the Adjudication Rules. Re-evaluation of the time frames referred to in the above and all other Adjudication



Rules will also form part of the initiative. In addition, the initiative will include new rules requiring notification of the Adjudication Division on constitutional questions and notification of the Adjudication Division of counsel's withdrawal from an inquiry or hearing, and a rule on deemed service.

The initiative will also serve as an opportunity to incorporate certain style changes, to rationalize terminology where necessary, and to reorganize the sequence of the Rules to make them easier to use and apply.

**Legal Authority:** Immigration Act, section 65(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as IRB-3.

**Contact:** Gerald H. Stobo, General Counsel,  
Immigration and Refugee Board, 6th Floor, 240 Bank  
Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815;  
Fax: (613) 996-0270.

# National Energy Board

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## General Information

### Roles and Responsibilities

The National Energy Board ("the Board") was established in 1959 under the National Energy Board Act to advise the government on energy matters and to regulate specific matters concerning oil, gas and electricity in the public interest. The Board reports to

Parliament through the Minister of National Resources.

In its role as a quasi-judicial tribunal, the Board has the power to hold inquiries into any aspect of energy matters under its jurisdiction and issues reports for the use and information of government, Parliament and the general public.

The Board regulates the tolls and tariffs of pipeline companies under federal jurisdiction to ensure that tolls are just and reasonable and that there is no unjust discrimination. To do so, the Board must consider the capital structure of a pipeline company and its operating costs, as well as company's need for an adequate return on investment so that it can attract capital to maintain and extend service. The Board audits the accounts of pipeline companies and monitors their financial performance.

The Board issues long-term licences, normally following public hearings, for the export of oil, gas and electricity. In issuing licences for the export of oil and gas, the Board must be satisfied that the quantities of energy to be exported are surplus to reasonably foreseeable Canadian requirements. In the case of electricity, the Board authorizes exports by issuing permits, without public hearings, upon applications by exporters unless the Governor in Council orders the licensing procedure on the Board's recommendation. The Board also issues orders for the short-term export and import of natural gas and the export of oil, subject to the restrictions imposed in the National Energy Board Part VI Regulations.

The Board grants certificates to construct and operate interprovincial and international oil, gas and petroleum products pipelines. Before issuing a certificate, the Board must hold a public hearing to determine whether the proposed facilities are required for present and future public convenience and needs. The Board may deal with minor projects, such as pipelines less than 40 kilometres in length, without a public hearing. In such cases, it issues an order that does not require approval by the Governor in Council. Persons whose lands may be affected by the route of a pipeline approved by the Board can present their views to the Board at a subsequent local public hearing. The Board considers their evidence when determining the final detailed route of the utility.

The Board authorizes the construction and operation of international power lines by issuing permits without public hearings. The Governor in Council may, however, on the Board's recommendation, order that an application be subject to a certificate proceeding requiring a public hearing.

The Board's Onshore Pipeline Regulations and other related regulations provide for the safe design, construction and operation of pipelines under the Board's jurisdiction. To ensure high standards of pipeline construction and operation, the Board inspects and investigates pipeline systems. The Board also considers the environmental implications of any proposal to build and operate an oil or gas pipeline or international power line. It generally makes these assessments through public hearings and through an audit of the company's inspection of construction and operation.

The Board is a court of record, with specific exceptions relating to the confidentiality of competitive pricing information. The Board's deliberations are conducted on the basis of publicly filed, publicly available information. For major applications and inquiries, the Board holds public hearings at which an applicant and interested persons have full rights of participation in the official language of their choice. To give parties an opportunity to discuss their concerns or questions, the Board provides advance notice of the hearings and allows time for parties to respond to requests for information. In addition, the Board issues quarterly regulatory agendas on matters coming before the Board, as well as information bulletins on a variety of matters pertaining to Board activities.

When the Board is prepared to grant a certificate for a pipeline or power line or to issue a licence for the export of natural gas, electricity or oil, it reports to the Governor in Council through the Minister of Natural Resources. If the Governor in Council approves the certificate or licence, the Board then issues it. The decision of the Board to refuse an application is not subject to referral to the Governor in Council. The Board's decisions on applications are issued as public documents. The Board's decisions on tolls and tariffs and on the issuance of permits for electricity exports and international power lines, of orders for the short-term export of oil and natural gas, and of orders for the construction of pipelines, are made without reference to the Governor in Council, as are the majority of the Board's day-to-day decisions.

On May 12, 1994, Bill C-6 was passed. Bill C-6 is an Act to Amend the Canada Oil and Gas Operations

Act, the Canada Petroleum Resources Act and the National Energy Board Act, and to make consequential amendments to other acts. The primary purpose of the amendments is to transfer authority to regulate frontier oil and gas activity to the Board, except in Nova Scotia and Newfoundland, where there are federal/provincial shared management agreements. Bill C-6 empowered the Board to authorize and regulate the frontier oil and gas activity, to be flexible in regulating small pipeline companies, to take measures to ensure the confidentiality of commercially sensitive information, and to designate inspection officers having pipeline inspection and enforcement powers.

Rights issuance matters remain under the authority of the Minister of Natural Resources and the Minister of Indian Affairs and Northern Development.

In addition, the amendments authorize the Board, its officers and its employees to provide advice to ministers, officers and employees of government departments, ministries and agencies. They also transfer authority to hear appeals, hold inquiries and make orders in respect of resource conservation matters to the Board from the Oil and Gas Committee. Finally, the amendments correct several technical anomalies in the relevant legislation.

With the passing of Bill C-6, responsibility for the current regulatory initiatives NEB-10 to NEB-17 was transferred to the Board from Indian and Northern Affairs Canada.

In addition, the Board has specific responsibilities under the Northern Pipeline Act and the Energy Administration Act. As well, Board inspectors have been appointed as safety officers to administer Part II of the Canada Labour Code.

### **Legislative Mandate**

- Energy Administration Act
- National Energy Board Act
- Northern Pipeline Act



## Initiatives for 1995

NEB/95-1-O-L

### Cost Recovery Regulations

These regulations which permit the Board to recover the costs of regulation directly from regulated companies, will be amended to slightly adjust and clarify the method of recovering costs.

Since 1991, the Board has recovered about 85 per cent of its total operating costs from regulated companies, not from general government revenues (costs incurred in the regulation of frontier lands are not being so recovered).

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-1.

**Contact:** Christina Tam, Chief, Financial Planning, Finance and Administration, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3918; Fax: (403) 292-5503.

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NEB/95-2-O-L

### Rules of Practice and Procedure

The Rules of Practice and Procedure provide guidance to applicants and parties in such matters as the procedure of applications before the Board and the conduct of hearings. The Rules also help make the Board more efficient and consistent.

The Board issued a revised draft of the Rules for comment in January 1993. Further revisions were made. Taking the comments into account, the Board made further revisions, then submitted the Rules to PCO-J for approval in April 1993. The Board is continuing to communicate with PCO-J to resolve outstanding issues and finalize the Rules.

The Rules codify current practice before the Board and thus will cause no additional cost for industry, the public or government. Updating the Rules will benefit persons participating in the Board process by providing an outline of the Rules that must be followed.

**Status:** This initiative appeared in the 1993 Regulatory Plan as NEB-2.

**Contact:** Margery Fowke, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2708; Fax: (403) 292-5503.

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NEB/95-3-O-L

### Onshore Pipeline Regulations

These regulations specify the requirements for the protection of property and the environment and for the safety of the public and the company's employees in the design, construction, operation and abandonment of an onshore pipeline.

The Board is proposing amendments to reflect changing pipeline safety and environmental issues arising from pipeline incidents, revised Canadian Standards Association standards, regulatory enforcement responsibilities and experience working with the regulations.

The proposed amendments were issued for comment on May 6, 1994.

In 1994, the Board will initiate a separate study to review the Regulations, safety and environmental protection requirements for the design, construction, operation and abandonment of gas plants under the Board's jurisdiction. The Onshore Pipeline Regulations may be modified in future years to reflect the findings of this study.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-3.

**Contact:** John Hendershot, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2778; Fax: (403) 292-5503.

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NEB/95-4-O-L

### Regulations Pertaining to Crossings Involving International Power Lines

Before Bill C-23 (an Act to Amend the National Energy Board Act) came into effect in 1990, draft regulations for crossings involving international power lines had been prepared. Those regulations were reviewed to ensure consistency with the amended act. As a result of that review, the Board decided to delete provisions concerning the regulated companies' responsibilities to maintain crossing records, to restore abandoned rights-of-way at crossings and to report incidents which happen at crossings. The proposed regulations now establish minimum construction standards for crossings and set out the terms and conditions under which the Board's permission is not required for crossings.

The Board sought comments on these regulations from the utility industry in the fall of 1993. No comments were received. It has submitted the

regulations to the Department of Justice Canada for review prior to prepublication in Part I of the *Canada Gazette*.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-4.

**Contact:** Ivan Harvie, Energy Commodities Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta T2P 3H2. Tel.: (403) 299-3165; Fax: (403) 292-5503.

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NEB/95-5-O-L

## Electricity Regulations

Pursuant to the passage of Bill C-23 (an Act to Amend the NEB Act), which came into effect on June 1, 1990, draft regulations to implement the new electricity policy were issued in a 1990 Memorandum of Guidance.

Among other things, the draft regulations set out information requirements for applications for electricity exports and international power line facilities; terms and conditions of export and facilities permits; and the matters which the Board may consider in deciding whether to recommend a public hearing process. The draft regulations replace, in part, existing National Energy Board Part VI Regulations and the draft Rules of Practice and Procedure, streamline the Board's operations, and reduce the level of regulation in keeping with the government's more market-based approach to energy policy.

Based on its experience in processing applications since the draft regulations were issued, the Board is revising the draft regulations. The Board sought comments on the revised draft regulations from interested parties on October 25, 1993. All comments were received by early 1994.

Further consultation with interested parties may be required before the draft regulations are submitted to the Justice Canada for review, and subsequent prepublication in Part I of the *Canada Gazette*.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-5.

**Contact:** Raymond Choy, Director, Energy Commodities Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3189; Fax: (403) 292-5503.

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NEB/95-6-O-L

## Toll Information Regulations

The Toll Information Regulations were published on April 9, 1979 to explain the requirements respecting information to be provided by pipeline companies that charge tolls. Quarterly surveillance reports submitted under the Regulations enable the Board to monitor the financial and operational performance of the major Group I pipeline companies under its jurisdiction.

In October 1993, the Board initiated a review of the surveillance reports filed pursuant to the Toll Information Regulations to determine if the information provided by the Group I pipeline companies in these reports could be presented in a more effective manner. The Board circulated discussion paper and received comments from interested parties.

In February 1994, the Board issued a Memorandum of Guidance that provided new guidelines for the preparation of surveillance reports. The guidelines outlined certain modifications to the content and format of the reports. One such modification was the requirement for Group I companies to file data on 10 performance indicators in their year-end reports to the Board.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-6.

**Contact:** Albert Fung, A/Director, Financial Regulation Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3646; Fax: (403) 292-5503.

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NEB/95-7-O-L

## Pipeline Crossing Regulations, Parts I and II

These regulations, which came into effect in October 1988, establish the conditions under which third parties can safely conduct excavation and construction activities affecting pipelines.

In June 1990, Section 112 of the NEB Act, which deals with third-party crossings, was amended to broaden the scope of Board jurisdiction to include all excavation activity within 30 metres of the pipeline right-of-way. In May 1993, the Regulations were amended to make some administrative and editorial revisions resulting from review by the Standing Joint Committee for the Scrutiny of Regulations (SOR/93-239).

In 1995, the Board plans to do a complete review of the Pipeline Crossing Regulations, Parts I and II to take into account the operating experience since these regulations were first promulgated. During this review, the Board will consult with municipalities, utilities, excavators, pipeline companies and other interested parties. The goal of the review is to harmonize the Regulations with provincial regulations and to remove any existing ambiguity.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-7.

**Contact:** Robert Power, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2769; Fax: (403) 292-5503.

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NEB/95-8-O-L

### **Part VI Regulations**

The National Energy Board Part VI Regulations will be amended to reflect recent changes to export regulation, to improve the language of the Regulations and to address concerns expressed in recent years by the Standing Joint Committee for Scrutiny of Regulations.

Comments were sought from industry in the fall of 1990 following briefing sessions with Board staff. In April 1993, the Board submitted the Regulations to PCO-J for approval. The Board is continuing to work with PCO-J to resolve outstanding issues and finalize the regulations.

The amendments should provide interested parties with a clearer definition of the Regulations at no additional cost to industry or government.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-8.

**Contact:** Margery Fowke, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2708; Fax: (403) 292-5503.

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NEB/95-9-O-L

### **Export and Import Reporting Regulations**

These proposed regulations would require persons exporting oil, gas and power or importing gas to provide information to the Board concerning the export or import.

The information is similar to that currently required by the Part VI Regulations. However, at the

suggestion of the Standing Joint Committee for Scrutiny of Regulations, the Board decided to remove the reporting requirement from the Part VI Regulations and make new regulations under subsection 129(1) of the NEB Act to provide for reporting requirements. This segregation of the reporting requirements should benefit interested parties by providing a clearer definition of the requirements.

In April 1993, the Board submitted these regulations to PCO-J for approval. The Export and Import Reporting Regulations will be made concurrently with the proposed amendments to the Part VI Regulations. The Board is continuing to work with PCO-J to resolve outstanding issues and finalize the regulations.

**Status:** This initiative appeared in the 1994 Regulatory Plan as NEB-9.

**Contact:** Margery Fowke, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2708; Fax: (403) 292-5503.

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NEB/95-10-O-I

### **Canada Certificate of Fitness Regulations**

The Canada Oil and Gas Operations Act, formerly titled the Oil and Gas Production and Conservation Act, authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances in the petroleum industry. In order to ensure that these standards are met by the petroleum industry in relation to installations and structures offshore and in the north, an independent third party known as a certifying authority will confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Canada Certificate of Fitness issued by the certifying authority. These regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of Fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for Certificates of Fitness in Canada will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.



**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-28.

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Fax: (403) 292-5503.

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NEB/95-11-O-I

### **Canada Oil and Gas Diving Regulations**

These regulations, promulgated in 1988, set out the regulatory requirements that operators must follow if they wish to undertake diving operations in areas subjected to the Canada Oil and Gas Operations Act. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Diving Regulations will need amending in order to reference the Certificate of Fitness requirements as part of the approval process. In addition, the Regulations will be amended to relieve the federal Minister of technical and administrative decisions concerning diving activities. These decisions could be made by the Chief Safety Officer or Chief Conservation Officer. No significant impact is expected as a result of this initiative.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-29.

**Contact:** Jan Merta, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2791;  
Fax: (403) 292-5503.

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NEB/95-12-O-I

### **Canada Oil and Gas Drilling Regulations**

These regulations, first promulgated in 1979, set out the regulatory requirements that operators must follow if they wish to undertake drilling operations on lands under federal jurisdiction. The amendments will reflect the Certificate of Fitness requirements introduced in the Canada Certificate of Fitness Regulations. The amendments will also update the Canada Oil and Gas Drilling Regulations in accordance with provisions in the Canada Oil and Gas Operations Act for authorization of drilling activity.

The amendments do not change, in substance, the current regime for authorizing drilling activities and no significant impact on the petroleum industry is expected. Amendments to make the offshore requirements similar to the Newfoundland and Nova Scotia versions will be initiated.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-30.

**Contact:** Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792;  
Fax: (403) 292-5503.

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NEB/95-13-O-I

### **Canada Oil and Gas Geophysical Operations Regulations**

The Canada Oil and Gas Operations Act, formerly titled the Oil and Gas Production and Conservation Act, provides for the making of regulations respecting safety, conservation practices and the prevention of pollution related to oil and gas exploration and production. These regulations will provide for the authorization and regulation of geophysical operations, and ensure the safety and protection of the environment for geophysical operations in areas covered by the Canada Oil and Gas Operations Act.

The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Operations Regulations for a number of years. In addition, the Board has consulted the former Canadian Petroleum Association, the Independent Petroleum Association of Canada, and technical associations within the industry for their views on these regulations. Promulgation of the Regulations is not anticipated to have any incremental impact on the petroleum industry.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-31.

**Contact:** Bruce Young, Energy Resources Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3147;  
Fax: (403) 292-5503.

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NEB/95-14-O-I

### **Canada Oil and Gas Installations Regulations**

The Canada Oil and Gas Operations Act, formerly titled the Oil and Gas Production and Conservation Act, provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the exploration for, and development and production of, oil and gas. In addition, it allows for regulation of the safety aspects of oil and gas activity. The Regulations will ensure

that the various components that are part of the design, construction, installation and operation of an installation will function according to specification, thereby ensuring safety of personnel, protection of the environment and resource conservation. The petroleum industry already adheres to the design and operating principles set out in the proposed regulations. With the exception of certain provisions imposing more rigorous standards due to the exceptional environmental conditions found in Canada's north and its offshore areas, the performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-32.

**Contact:** Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

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NEB/95-15-O-I

### **Canada Oil and Gas Operations Regulations**

These regulations were first promulgated in February 1983. The regulations spell out requirements for obtaining an operating licence, for obtaining authorization for exploratory or development work, and for reporting an oil spill. The Canada Oil and Gas Operations Act under which these regulations fall, requires that an operator obtain an operating licence and an authorization before starting any work or activity.

The amendments will increase the fee associated with obtaining a licence, presently set at \$25. The amount of this increased fee will depend on the type of operation carried out. The fee would cover the costs required to issue such licences and authorizations. Since the amendments propose an increase in the fee associated with obtaining an operating licence, there will be a minimal financial cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-34.

**Contact:** Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

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NEB/95-16-O-I

### **Canada Oil and Gas Production and Conservation Regulations**

These regulations establish the minimum requirements for the safety of personnel, environmental protection and resource conservation related to the development and production of oil and gas on lands under federal jurisdiction. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Production and Conservation Regulations will need to be amended in order to reference the Certificate of Fitness requirements. No significant impact on the petroleum industry is expected as a result of this initiative.

The regulations will be reviewed and amended to ensure they accord with recent amendments to the Canada Oil and Gas Operations Act. There will be minor technical changes to the substance of the regulations.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-35.

**Contact:** Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

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NEB/95-17-O-I

### **Canada Oil and Gas Spill and Debris Liability Regulations**

The Canada Oil and Gas Operations Act (COGOA) imposes absolute liability, up to "an applicable limit," on an operator for any actual damages incurred as a result of a spill or debris in the area where the operator is conducting oil and gas operations. Any losses or damage in excess of the applicable limit must be based on negligence or other common-law liability.

The Board will review the applicability of absolute liability and the associated limits of liability that may be prescribed under COGOA and make amendments. The impact of the amendments will be subject to the outcome of the consultations with stakeholders.

**Status:** This initiative appeared in the 1994 Regulatory Plan as IAND-36.

**Contact:** Ken Sato, Director, Environment Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3675; Fax: (403) 292-5503.

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## **Offshore Installation Manager Regulations**

The Canada Oil and Gas Operations Act requires that a manager in command of an installation meet prescribed qualifications. The proposed regulations will spell out these qualification requirements.

The Regulations will improve safety of operations on frontier lands so that only qualified and certified personnel will be allowed to be installation managers.

**Status:** This initiative appeared in the 1994 Regulatory Plan as LAND-39.

**Contact:** Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

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## **Future Initiative**

### **Offshore Pipeline Regulations**

These draft regulations specify the requirements for the protection of property and the environment, and for the safety of the public and company employees in the design, construction, operation and abandonment of an offshore pipeline.

These regulations will require further review with respect to amendments to the Onshore Pipeline Regulations and integration of frontier activities into the Board.

**Classification:** Low-cost initiative

**Contact:** Robert Power, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2769; Fax: (403) 292-5503.



# National Transportation Agency of Canada

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# General Information

## Roles and Responsibilities

The National Transportation Agency (NTA) assumed federal responsibility for the economic regulation of transportation on January 1, 1988. The Agency was established under the provisions of the National Transportation Act, 1987.

The Agency is an independent body that reports to Parliament through the Minister of Transport. Headquarters are located in the National Capital Region with offices established in the regions.

The Agency is a quasi-judicial administrative tribunal. It has all the powers, rights and privileges of a superior court in Canada with respect to matters within its jurisdiction.

The national transportation policy contained in section 3 of the National Transportation Act, 1987, sets out the Agency's mandate; it states that "...a safe, economic, efficient and adequate network of viable and effective transportation services accessible to persons with disabilities and making the best use of all available modes of transportation at the lowest total cost is essential to serve the transportation needs of shippers and travellers, including persons with disabilities, and to maintain the economic well-being and growth of Canada and its regions...."

This policy encourages a dynamic and competitive business environment. Economic regulation is reduced and focuses on problem-solving services and protecting the public interest.

The Agency exercises its powers through a board and is organized into six branches: Air and Accessible Transportation Branch; Rail Branch; Marine, Trucking and Regional Offices Branch; Legal Services, Secretariat and Communications Branch; Planning, Review and Quality Management Branch; and Corporate Services Branch.

## Legislative Mandate

- Atlantic Region Freight Assistance Act
- Coasting Trade Act
- Maritime Freight Rates Act
- National Transportation Act, 1987
- Pilotage Act
- Railway Act
- Railway Relocation and Crossing Act
- Railway Safety Act
- St. Lawrence Seaway Authority Act
- Shipping Conferences Exemption Act, 1987

- Western Grain Transportation Act

## Initiatives for 1995

### Air and Accessible Transportation Branch

NTA/95-1-O-M

#### **Air Fares in Large Aircraft for Attendants of Persons with Disabilities**

Currently, any air industry policy regarding the domestic air transportation of persons with disabilities can be altered or any portion of such policies can be eliminated without the immediate knowledge of the Agency. To regulate accessibility to domestic air transportation with regards to air fares for attendants of passengers with disabilities, the Agency proposes to promulgate new regulations on the subject.

These regulations will improve access to the domestic air transportation system for persons with disabilities and will ensure that these persons receive the same service as other passengers when travelling on aircraft of 30 seats or more. The regulations would not place an undue financial burden on the industry. The estimated annual cost to the airline industry, in terms of revenue loss, would be in the order of \$1,500,000 (high estimate) or \$700,000 (low estimate) in 1991 Canadian dollars, or less than a fraction of one per cent of total domestic passenger revenues.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-4.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
TTY: (819) 953-9705.

NTA/95-2-O-I

#### **Terms and Conditions of Carriage in Small Aircraft of Persons with Disabilities**

Currently, any air industry policy regarding the domestic air transportation of persons with disabilities in small aircraft can be altered or any portion of such policies can be eliminated without the immediate knowledge of the Agency. To ensure the maintenance of certain rights acquired by persons with disabilities

under the previous regulatory regime and to regulate accessibility to domestic air transportation with regards to the terms and conditions of carriage, the Agency proposes to promulgate new regulations on the subject.

The regulations, while contributing to the accessibility of domestic air transportation, will have a medium impact as the proposals generally reflect present conditions.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-5.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
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NTA/95-3-O-1

### **Accessibility Standards - Persons with Disabilities - Air Transportation Equipment**

In July 1988, an amendment to the National Transportation Act, 1987, empowered the Agency to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes new regulations prescribing accessibility standards for equipment used in air transportation. This initiative will ensure a consistent provision of equipment, which is necessary for persons with disabilities to be able to use the air transportation system.

The regulations will ensure a high level of accessibility for persons with disabilities to equipment used on domestic air transportation services. The regulations will not place an undue financial burden on the air industry. Most accessibility features should not represent a significant financial outlay and many of the major requirements may apply only to new equipment or to equipment undergoing a major retrofit.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of NTA-6.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible

Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
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NTA/95-4-O-1

### **Accessibility Standards - Persons with Disabilities - Rail Transportation Equipment**

In July 1988, an amendment to the National Transportation Act, 1987, empowered the Agency to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes new regulations prescribing accessibility standards for equipment used in rail transportation. This initiative will ensure a consistent provision of equipment, which is necessary for persons with disabilities to be able to use the rail transportation system.

The regulations will ensure a high level of accessibility for persons with disabilities to equipment used on domestic rail transportation services. The regulations will not place an undue financial burden on the rail industry. Most accessibility features should not represent a significant financial outlay and many of the major requirements may apply only to new equipment or to equipment undergoing a major retrofit.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of NTA-6.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
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TTY: (819) 953-9705.

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NTA/95-5-O-1

### **Accessibility Standards - Persons with Disabilities - Marine Transportation Equipment**

In July 1988, an amendment to the National Transportation Act, 1987, empowered the Agency to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes new regulations prescribing accessibility standards for



equipment used in marine transportation. This initiative will ensure a consistent provision of equipment, which is necessary for persons with disabilities to be able to use the marine transportation system.

The regulations will ensure a high level of accessibility for persons with disabilities to equipment used on domestic marine transportation services. The regulations will not place an undue financial burden on the marine industry. Most accessibility features should not represent a significant financial outlay and many of the major requirements may apply only to new equipment or to equipment undergoing a major retrofit.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as part of NTA-6.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
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NTA/95-6-O-I

### **Terms and Conditions of Carriage by Rail of Persons with Disabilities**

Carriers offering rail services within Canada are at liberty to alter or eliminate any portion of their policies regarding the carriage of persons with disabilities. To ensure uniformity of terms and conditions of carriage of persons with disabilities throughout Canada, the Agency proposes to promulgate new regulations on the subject.

The regulations, while contributing to the accessibility of services to persons with disabilities, will have a minimum impact as the proposals generally reflect present conditions.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-8.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel.: (819) 997-6828; Fax: (819) 953-6019;  
TTY: (819) 953-9705.

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NTA/95-7-O-I

### **Terms and Conditions of Carriage by Marine Services Subject to Federal Jurisdiction of Persons with Disabilities**

Carriers offering marine services subject to federal jurisdiction are at liberty to alter or eliminate any portion of their policies regarding the carriage of persons with disabilities. To ensure uniformity of terms and conditions of carriage of persons with disabilities throughout Canada, the Agency proposes to promulgate new regulations on the subject.

The regulations, while contributing to the accessibility of services to persons with disabilities, will have a minimum impact as the proposals generally reflect present conditions.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-9.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
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NTA/95-8-N-I

### **Terms and Conditions of Carriage of Persons with Disabilities for Charterers of Large Aircraft**

Currently, policies of charterers of aircraft regarding the domestic air transportation of persons with disabilities can be altered or any portion of such policies can be eliminated without the immediate knowledge of the Agency. To ensure the maintenance of certain rights acquired by persons with disabilities under the previous regulatory regime and to regulate accessibility to domestic air transportation, the Agency proposes to amend its regulations regarding terms and conditions of carriage to include charterers.

The regulations, while contributing to the accessibility of domestic air transportation, will have a minimum impact as the proposals generally reflect present conditions.

**Legal Authority:** National Transportation Act, 1987, subsection 63.1(1)

**Status:** This is a new initiative.

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
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NTA/95-9-N-1

## **Review of Parts I and II of the Air Transportation Regulations**

As part of the government's regulatory review process initiated with the budget papers tabled in the House of Commons by the Minister of Finance on February 25, 1992, the domestic air service provisions of the Air Transportation Regulations are being reviewed. This review was delayed until after the National Transportation Act Review Commission completed its report which recommended that the provisions of the National Transportation Act, 1987 applying to northern air services be retained.

The first step of the review was to solicit comments from air carriers and other interested parties as to whether the current provisions should be retained or modified. The Agency will examine these provisions, bearing in mind the comments filed, to determine whether the regulatory burden on the industry can be reduced or streamlined.

Should regulatory changes arise from the review, an examination of benefits and costs will depend on the specific proposals developed.

Parts of the project titled Air Transportation Regulations - Housekeeping Changes (NTA-2 in the 1994 Regulatory Plan) will be included in this initiative.

**Legal Authority:** National Transportation Act, 1987, section 102

**Status:** This is a new initiative.

**Contact:** Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-8953; Fax: (819) 953-5562.

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NTA/95-10-O-1

## **Air Transportation - Insurance Provisions**

The insurance provisions in the Air Transportation Regulations were carried over from the Air Carrier

Regulations and were last amended in 1983. At that time, the former regulatory body gave an undertaking to air carriers and insurance brokers/underwriters that these specific regulations would be reviewed in three years. Because of fundamental changes in recent years to the economic regulation of air transport, this review could not be conducted by the former regulatory body. The insurance provisions are now being reviewed to ensure that users of air transportation and third parties remain sufficiently and adequately insured against aircraft mishaps.

It is anticipated that this review will result in some amendments being made to ensure that those affected by aircraft accidents will receive just and reasonable compensation. Consultations have taken place with selected air carriers, government departments and agencies, insurance underwriters and air carrier associations. These consultations are continuing with a limited number of parties, prior to prepublication, to determine insurance provision amendments appropriate for the aviation and insurance industries and the travelling public.

Since most large air carriers operating to and from Canada already carry liability insurance coverage in excess of the required minimums, the costs associated with any proposed change are considered to be insignificant. There will, however, be additional costs associated with this initiative for some of the smaller air carriers licensed in Canada. Notwithstanding additional costs, the benefits associated with any changes proposed, which would result in added consumer protection in the event of a serious accident, are considered to outweigh the costs.

**Legal Authority:** National Transportation Act, 1987, section 102

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-1.

**Contact:** Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-8953; Fax: (819) 953-5562.

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NTA/95-11-O-1

## **Air Transportation - Addition of New Regulations Pertaining to Canada-U.S. Charter Services**

In April 1992, the Minister of Transport requested that the National Transportation Agency review those provisions of the Air Transportation Regulations that

are applied to Canada-U.S. transborder passenger and all-cargo charter air services. This request was made in the context of negotiations to liberalize substantially the Canada-U.S. air transport agreement. Consistent with the Minister's request, the new regulations will minimize the regulatory burden placed on air carriers operating transborder charter services and allow scheduled and charter services to operate under more similar and competitive conditions.

These changes will benefit air carriers operating transborder charter services, charterers of these services and public users by expanding the transportation options available. The impact of an expansion of transborder charter service opportunities on transborder scheduled services is not anticipated to be substantial.

**Legal Authority:** National Transportation Act, 1987, section 102

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-3.

**Contact:** Catherine MacDonald, Senior Advisor, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1237; Fax: (819) 953-5562.

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NTA/95-12-O-I

### **Air Transportation - International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules**

The National Transportation Agency is examining charter, tariff and service schedule provisions in the Air Transportation Regulations as part of the government's review of existing regulations to ensure that the use of the government's regulatory powers results in the greatest prosperity for Canadians.

The Agency intends to streamline the Air Transportation Regulations (parts III to VI) to reduce the regulatory burden.

Should regulatory changes arise from the review, an examination of benefits and costs will depend on the specific proposals developed.

Parts of the project titled Air Transportation Regulations - Housekeeping Changes (NTA-2 in the 1994 Regulatory Plan) will be included in this initiative.

**Legal Authority:** National Transportation Act, 1987, section 102

**Status:** This item appeared in the 1994 Regulatory Plan as NTA-10.

**Contacts:** Rosemary Baldwin, Acting Senior Advisor, International Air Tariffs, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-9795; Fax: (819) 953-5562.

Greg Danylchenko, Chief, International Air Tariffs, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6419; Fax: (819) 953-5686.

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NTA/95-13-O-L

### **Air Transportation Regulations - Housekeeping Changes**

These regulations will be amended to make the French and English versions consistent in meaning. The amendments will clarify the wording and avoid confusion for users. In June 1992, the decision was taken to incorporate part of these amendments in the Omnibus Regulations which were published in Part II of *Canada Gazette* on June 2, 1993. There is no monetary cost or benefit to this initiative.

**Legal Authority:** National Transportation Act, 1987, section 102

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-2. Parts of this initiative will be included with NTA/95-10 and NTA/95-12.

**Contact:** Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-8953; Fax: (819) 953-5562.

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### **Marine, Trucking and Regional Offices Branch**

NTA/95-14-O-L

### **Northern Marine Resupply Services - Reporting Requirements**

The Northern Marine Resupply Services Regulations prescribe the information that licensees must file with the Agency on an annual or otherwise basis to enable the Agency to determine whether resupply rates contained in tariffs filed by licensees are just and reasonable. The Agency intends to modify these



regulations to lessen the regulatory burden placed on licensees.

The proposed modifications will benefit licensees by simplifying reporting and reducing resources needed to file information with the Agency. There are no anticipated costs to licensees or users of their services.

**Legal Authority:** National Transportation Act, 1987, section 222

**Status:** This initiative appeared in the 1994 Regulatory Plan as initiative NTA-11.

**Contact:** Danielle Pilon, Chief, Marine and Trucking, Complaints and Investigations Directorate, Marine, Trucking and Regional Offices Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6559; Fax: (819) 953-5686.

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## **Rail Branch**

NTA/95-15-R-M

### **Annual Rate Scale Order For Western Grain, 1995-96**

An order will be issued that prescribes the annual rate scale for the movement of western grain by rail, for the crop year 1995-96, and the percentage of the rate to be borne by the Government of Canada and by the grain shippers.

The estimated eligible costs for the movement of western grain, by rail, for the crop year 1995-96 are estimated to be about \$1.1 billion. The railway companies recover approximately 98 per cent of the estimated eligible costs through the application of the annual rate scale. The government portion of the payments in 1995-96, known as the Government Commitment, is estimated to be \$560 million. The shippers' portion of the payments is estimated to be \$540 million.

**Legal Authority:** Western Grain Transportation Act, sections 35 to 37 and sections 40 and 41

**Status:** This is a recurring initiative.

**Contact:** Neil Thurston, Director, Costing, Rates and Payments Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

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NTA/95-16-O-I

### **Railway Costing Regulations**

These regulations govern the format under which railway cost submissions must be filed with the

Agency. This initiative is intended to amend the Regulations to include current costing practices and document filing requirements.

**Legal Authority:** National Transportation Act, 1987, section 330

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-13.

**Contact:** Neil Thurston, Director, Costing, Rates and Payments Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

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NTA/95-17-N-L

### **Details of Maps, Plans, Profiles, Drawings, Specifications and Books of Reference (General Order E-1)**

These regulations indicate the format in which various documents should be prepared (scales, limits) and filed.

The Agency intends to revoke these regulations and replace them with guidelines. This initiative should be sufficient to ensure consistency in the documentation filed, yet give the Agency the flexibility to accept documents that might not meet specific application requirements but that will satisfy the Agency's needs in particular cases.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, section 114

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-18-N-L

### **Height of Telegraph Wires and Telephone Lines Regulations (General Order E-18)**

These regulations prescribe that the height of telegraph and telephone lines over public and private areas must meet the requirements of the Canadian Standards Association (CSA). Since the coming into force of the Railway Safety Act, many sections in these regulations that are safety related and refer to the CSA standards fall under the jurisdiction of Transport Canada.

The Agency intends to revoke the Regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the Railway Act to take effect.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, section 328

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-19-N-L

### **Joint Use of Poles Regulations (General Order E-12)**

These regulations cover the joint use of poles by telephone, telegraph and electric power corporations. They ensure that the party requesting to make joint use of poles enters into an agreement with the person owning or controlling the poles.

The Agency intends to revoke these regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the Railway Act to take effect.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, section 336

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-20-N-L

### **Regulations Respecting Pipe Crossings under Railways (General Order E-10)**

These regulations apply in respect of the laying and maintaining of sewer pipes, water pipes, pipes for oil and other flammable or highly volatile liquids, and pipes for natural or manufactured gas under railways.

The Agency intends to revoke these regulations as many of the sections are safety related and refer to Canadian Standards Association (CSA) standards,

which fall under the jurisdiction of Transport Canada. These regulations should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the Railway Act to take effect.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, subsection 212(3)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-21-N-L

### **Railway Grade Separations Regulations (General Order No. E-5)**

These regulations detail the requirements for constructing a grade separation pursuant to sections 200, 201 and 202 of the Railway Act. They also include the procedure for making an application to the Agency and for presenting a plan.

The Agency has already revoked the cost apportionment clauses of these regulations and replaced them with a guideline. The Agency intends to revoke the remainder of these regulations and replace them with guidelines. This initiative should be sufficient to ensure consistency in the documentation filed with the Agency, yet give the Agency the flexibility to accept documents that might not meet specific application requirements but that will satisfy The Agency's needs in particular cases.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, subsection 201(6)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-22-N-L

## **Railway-Highway Crossing at Grade Regulations (General Order E-4)**

These regulations detail the requirements of a railway when constructing or reconstructing a railway-highway crossing pursuant to sections 200, 201 and 202 of the Railway Act. The Regulations also set out the requirements for plans, procedures, size of crossing surface, cost apportionment, signalization, etc. The portion of the Regulations dealing with safety (size of crossing surface, requirements for signs, etc.) is the responsibility of Transport Canada.

The Agency, in cooperation with Transport Canada, intends to revoke these regulations as many of the sections are safety related, and so fall under the jurisdiction of Transport Canada.

The regulations should be replaced with guidelines. This initiative should be sufficient to ensure consistency in the documentation filed with the Agency, yet give the Agency the flexibility to accept documents that might not meet specific application requirements but that will satisfy the Agency's needs in particular cases.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, subsection 201(6)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-23-N-L

## **Wire Crossings and Proximity Regulations (General Order E-11)**

These regulations, which cover standards for wire crossings and proximity, apply to the construction and maintenance of lines, wires or other conductors for the transmission of electrical energy or for communication purposes. The Agency's leave for these activities is required by virtue of section 326 of the Railway Act.

Since the coming into force of the Railway Safety Act, many sections in these regulations that are safety related and refer to Canadian Standards Association (CSA) standards fall under the jurisdiction of Transport Canada. However, the sections needed to allow the exemption provisions of subsection 326(5) of

the Railway Act to take effect remain under the jurisdiction of the Agency.

The Agency intends to revoke these regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the Railway Act to take effect.

The Agency will consult further with interested parties to develop these guidelines.

**Legal Authority:** Railway Act, subsection 326(5)

**Status:** This initiative appeared in the 1994 Regulatory Plan as a future initiative.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-0327; Fax: (819) 953-5686.

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NTA/95-24-O-L

## **Railway Advance Payment Regulations - Amendment to Reflect Current Legislation**

These regulations provide for advance payments to a railway company for the operation of any uneconomic line or segment of railway, any branch line or segment thereof, and any uneconomic service pursuant to sections 256, 258 and 261 of the Railway Act.

These legislative references are no longer correct. Sections 256 and 258 applied to uneconomic branch lines. The legislative reference is now section 178 of the National Transportation Act, 1987. Section 261, which refers to uneconomic passenger service, is now section 270 of the Railway Act.

As well, these regulations provide for advance payments for the movement of grain and flour to eastern ports and refer to section 272 of the Railway Act. This program has ended and the Railway Act was amended to repeal this section effective April 1, 1990.

The administration of these regulations was the responsibility of the Canadian Transport Commission which is now known as the National Transportation Agency.

The amendments to these regulations will reflect the above changes.

**Legal Authority:** National Transportation Act, 1987, section 181

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-12.



**Contact:** Frank Urban, Manager, Costing Determinations and Subsidies, Rail Rationalization Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-9918; Fax: (819) 953-5564.

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NTA/95-25-R-I

### **Railway Interswitching Rate Scale (1996): Rate adjustment**

The National Transportation Act, 1987 requires railways to perform interswitching — that is, to transfer the traffic of a shipper to the lines of a railway other than one serving the shipper directly — whenever this shipper is located within 30 km of a connection or interchange with the remote railway. This regulatory initiative is intended to establish the maximum charge a railway may impose for performing interswitching during the 1996 calendar year.

The amended rates will ensure that railways performing interswitching in 1996 are compensated for the costs of providing the service and that shippers will have access to the services of a second railway at a price that will not, in most cases, impede the transfer of traffic from one railway company to another.

**Legal Authority:** National Transportation Act, 1987, section 152

**Status:** This is a recurring initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6270; Fax: (819) 953-5686.

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NTA/95-26-O-L

### **Baggage Car Traffic Regulations: Revocation**

These regulations govern the terms and conditions for the handling of baggage belonging to rail passenger ticket holders and address liability considerations. The Agency intends to revoke these regulations.

This action is required as the Agency no longer has jurisdiction over this matter.

**Legal Authority:** National Transportation Act, 1987, section 155

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-17.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6270; Fax: (819) 953-5686.

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NTA/95-27-O-L

### **Conditions on Passes Approval Order**

This statutory instrument enumerates and approves a number of terms and conditions respecting the issuance of passenger transportation passes by seventeen railway companies, seven international bridge and tunnel corporations, and one water carrier. Many of these terms and conditions pertain to the liability of the issuing companies. A review of the Conditions on Passes Approval Order will be undertaken.

This order may no longer be warranted in the Canadian contemporary transportation framework where government regulations are streamlined to reflect a greater reliance on the ability of carriers and other economic agents to issue and adjust tariffs suited to a competitive environment.

The Agency will consult further with interested parties.

**Legal Authority:** Railway Act, sections 9, 300 and 341

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-19.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6270; Fax: (819) 953-5686.

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NTA/95-28-O-L

### **Railway Passenger Tariff Regulations: Amendment**

These regulations, which are contained in Tariff Circular 2, govern the format under which railway passenger tariffs must be filed with the Agency as well as the procedure to be followed in that respect by the carriers issuing such tariffs. The Regulations also prescribe several classes of tariffs, in compliance with the Railway Act, each being applicable to a specific category of passenger traffic.

An amendment to streamline these regulations will be proposed. The changes sought are designed to reflect the current situation of the passenger rail transportation industry as well as technological changes. For instance, the amended regulations will include provisions to allow electronic tariff filing.

**Legal Authority:** Railway Act, section 291

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-21.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6270; Fax: (819) 953-5686.

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NTA/95-29-O-L

## **Free and Reduced-Rate Transportation Regulations**

These regulations prescribe the terms and conditions under which railway companies are required to offer transportation free of charge or under reduced rates and keep records thereof. The use of 10 forms, to log issued and used free passenger fare tickets or passes, is further prescribed.

The Regulations date back to an era when railway companies exercised a virtual monopoly in the field of inland passenger transportation and were regulated in accordance with this status. The rates issued by railway companies, as well as by other monopolistic businesses or utilities, were subjected to extensive regulatory constraints designed to protect the public interest.

Many decades have elapsed since the inception of these regulations. Economic and technological changes have dramatically altered the framework in which rail passenger transportation services are provided. Companies involved in this type of business are now far from monopolies, due to the development of competing transportation modes. This situation has removed the concerns upon which statutory instruments such as the Free and Reduced-Rate Transportation Regulations were based. The revocation of these regulations will therefore be proposed.

The Agency will consult further with interested parties.

**Legal Authority:** Railway Act, section 300

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-26.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6270; Fax: (819) 953-5686.

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NTA/95-30-O-L

## **Railway Free and Reduced-Rate Transportation Regulations**

These regulations detail some 46 groups or categories of individuals to whom free or reduced-rate transportation may be offered. Terms and conditions pertaining to the issuance of free passes or reduced-rate certificates and to the format under which the filing of periodical returns with the National Transportation Agency must be effected are further prescribed.

The Regulations date back to an era when railway companies exercised a virtual monopoly in the field of inland passenger transportation and were regulated in accordance with this status. The rates issued by railway companies, as well as by other monopolistic businesses or utilities, were subjected to extensive regulatory constraints designed to protect the public interest.

Many decades have elapsed since the inception of these regulations. Economic and technological changes have dramatically altered the framework in which rail passenger transportation services are provided. Companies involved in this type of business are now far from monopolies, due to the development of competing transportation modes. This situation has removed the concerns upon which statutory instruments such as the Free and Reduced-Rate Transportation Regulations were based. The revocation of these regulations will therefore be proposed.

The Agency will consult further with interested parties.

**Legal Authority:** Railway Act, section 300

**Status:** This initiative appeared in the 1994 Regulatory Plan as NTA-27.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6270; Fax: (819) 953-5686.

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## **Future Initiatives**

### **Accessibility Standards - Persons with Disabilities - Transportation Terminals**

Transportation services have been developing construction and retrofitting programs to improve accessibility. The Agency is considering making new

regulations that prescribe accessibility standards for terminals linked to air, rail and marine transportation under federal jurisdiction. New regulations would ensure that common standards are applied in these modes of transportation.

Alternatives under review are the Status quo, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will consult mainly with organizations of or for persons with disabilities, domestic carriers and terminal operators and their associations, health professionals, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through a notice in the *Canada Gazette* and distribution of the plans for comment.

**Classification:** Major initiative

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
TTY: (819) 953-9705.

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## Communication of Information to Persons with Disabilities

The ability to communicate is essential if people are to give and receive information, and the main methods of communication are speech and print. People who are unable to hear the spoken word or see the written word do not have access to much of the information related to transportation. The Agency is considering making new regulations that standardize the methods of communication of information for persons with sensory or cognitive impairments related to air, rail and marine transportation under federal jurisdiction.

Alternatives under review are the Status quo, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will mainly consult with organizations of or for persons with disabilities, domestic carriers and terminal operators and their associations, health professionals, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through a notice in the *Canada Gazette* and distribution of the plans for comment.

**Classification:** Intermediate-cost initiative

**Contact:** Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 997-6828; Fax: (819) 953-6019;  
TTY: (819) 953-9705.

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## Cost Recovery in the Air Transportation Mode

Pursuant to the government's policy on "External User Charges for Goods, Services, Property, Rights and Privileges," the Agency is actively considering implementing regulations to charge air carriers fees for some functions of the Agency.

Adoption of this initiative would reduce the government's cost of providing some services. The Agency will consult air carriers licensed by the Agency, associations such as Air Transport Association of Canada and the Northern Air Transport Association, and other interested parties before prepublishing any proposal in Part I of the *Canada Gazette*.

**Classification:** Intermediate-cost initiative

**Contact:** Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel.: (819) 953-8953; Fax: (819) 953-5562.

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## Tolls for Use of International Bridges and Tunnels

Section 9 of the Railway Act grants the National Transportation Agency jurisdiction and control over tolls to be charged for the use of international bridges and tunnels. Corporations owning or operating such facilities were required to file their tariffs with the Agency's regulatory predecessors pursuant to the Regulations Governing the Construction, Filing and Posting of Telegraph and Telephone Tariffs by Telegraph and Telephone Companies, which applied as well to international bridge and tunnel tariffs, contained in Tariff Circular 3.

With the coming into force of the Canadian Radio-television and Telecommunications Act on June 15, 1975, the Canadian Transport Commission did not retain a jurisdiction in the field of telecommunication tariffs approval and filing. A new regulatory body created by this Act, the Canadian Radio-television and



Telecommunications Commission (CRTC), was given the mandate to regulate these matters. The CRTC rescinded Tariff Circular 3 in its 1979 SOR/79-555 regulations.

Consequently, the Agency is currently lacking a statutory instrument to govern international bridge and tunnel tariffs filing and is considering the implementation of a new regulation that would replace the former Tariff Circular 3 in that respect.

**Classification:** Low-cost initiative

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
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# Office of the Chief Electoral Officer

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## General Information

### Roles and Responsibilities

The Chief Electoral Officer is responsible for exercising general direction and supervision over the preparation and administration of federal electoral events as well as the reporting requirements relating to expenses incurred pursuant to the provisions of the Canada Elections Act and the Referendum Act. The Chief Electoral Officer is appointed by resolution of the House of Commons, to which he or she is directly accountable. The officer also communicates with the Governor in Council through the member of the Queen's Privy Council for Canada designated by the Governor in Council for that purpose (currently the Leader of the Government in the House of Commons).

The Commissioner of Canada Elections enforces the provisions of the Canada Elections Act and of the Referendum Act under the general supervision of the Chief Electoral Officer, who appoints the Commissioner.

The Chief Electoral Officer provides the necessary data and assistance to enable the electoral boundaries commissions to discharge their responsibilities under the Electoral Boundaries Readjustment Act with respect to each province's representation in the House of Commons. The Chief Electoral Officer also taxes all accounts relating to the expenditures of the electoral boundaries commissions.

The Canada Elections Act and the Referendum Act contain no provisions for the making of regulations. The Chief Electoral Officer is, however, given the unusual power to adapt the acts during the course of an electoral event. In this way, the electoral process is free from political interference and even the appearance of it.

## Legislative Mandate

The statutes under the jurisdiction of the Chief Electoral Officer are the following:

- Canada Elections Act
- Dominion Controverted Elections Act
- Electoral Boundaries Readjustment Act
- Referendum Act

## Initiative for 1995

OCEO/95-1-R-M

### Tariffs of Fees

The Canada Elections Act and the Referendum Act stipulate that, upon the recommendation of the Chief Electoral Officer, the Governor in Council may make tariffs fixing or providing for the determination of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at, or with respect to, electoral events under the Canada Elections Act and the Referendum Act.

Each year, the Office of the Chief Electoral Officer reviews the tariffs of fees and proposes pertinent adjustments in order to avoid having to request substantial increases close to an electoral event. The Federal Elections Fees Tariff is currently being reviewed to consider observations and suggestions received subsequent to the 1993 general election. Also, an initiative is underway to harmonize the Federal Referendum Fees Tariff, which has been in effect since July 1, 1992, and the Federal Elections Fees Tariff, which has been in effect since July 1, 1993.

The impact of these statutory instruments varies from year to year depending on what electoral activities are undertaken during the year. During an electoral event, the payments made under the tariffs could well exceed \$100,000,000.

**Legal Authority:** Canada Elections Act and Referendum Act, section 198

**Status:** This is a recurring initiative.

**Contact:** Janice Vézina, Director, Election Financing Directorate, Elections Canada, 1595 Telesat Court, Ottawa, Ontario, K1A 0M6. Tel.: (613) 990-3747; Fax: (613) 990-2530.

# Office of the Superintendent of Financial Institutions

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## General Information

### Roles and Responsibilities

The Office of the Superintendent of Financial Institutions (OSFI) was established on July 2, 1987, by an act of Parliament that amalgamated the Department of Insurance and the Office of the Inspector General of Banks. OSFI is responsible for supervising all federally registered or licensed financial institutions and employer-sponsored pension plans relative to employment under federal jurisdiction. In addition, the Office provides actuarial advice to other departments and performs extensive actuarial services in the valuation of government pension and insurance programs.

Pursuant to the Office of the Superintendent of Financial Institutions Act, OSFI is responsible for administering legislation governing banks and federally registered or licensed insurance, trust, loan and investment companies as well as cooperative credit associations. The deputy head of OSFI is the Superintendent of Financial Institutions, and the Minister of Finance is the responsible minister.

The primary objective of the Office is to protect the interests of depositors, policyholders, creditors and pension plan members by ensuring, to the extent possible, the soundness of both institutions and pension plans. The Office examines and regulates supervised institutions and pension plans for compliance with applicable legislation, related regulations and guidelines. It also gathers information concerning the operations of institutions and pension plans to develop sound regulatory policies and to assess strengths and weaknesses in the financial system.

### Legislative Mandate

The major statutes under the jurisdiction of the Office are the following:

- Bank Act
- Civil Service Insurance Act
- Cooperative Credit Associations Act
- Excise Tax Act - Part I
- Insurance Companies Act
- Investment Companies Act
- Office of the Superintendent of Financial Institutions Act
- Pension Benefits Standards Act, 1985
- Trust and Loan Companies Act

### Administrative Arrangements

By agreement with the provinces of Manitoba, New Brunswick and Prince Edward Island, the Office examines and monitors, on behalf of those provinces, certain insurance, trust and loan companies incorporated in those provinces.

Pursuant to section 28 of the Canada Deposit Insurance Corporation Act and letters of engagement with the Canada Deposit Insurance Corporation (CDIC), the Office examines, on behalf of CDIC, all CDIC-member trust companies incorporated under provincial laws, with the exception of those incorporated in the provinces of Ontario and Quebec.

Pursuant to paragraph 147.2(2) of the Income Tax Act, the Office provides advice to Revenue Canada with respect to the acceptability of employer contributions to defined benefit pension plans as deductions from taxable income.

Pursuant to subsection 147.1(17) of the Income Tax Act, and by agreement with Revenue Canada, the



Office provides other pension-related advice to Revenue Canada.

By agreement with Indian and Northern Affairs Canada (INAC), the Office advises INAC with respect to the technical aspects of the Band Employee Benefits (BEB) program to ensure compliance with funding criteria established by INAC and Treasury Board. The Office also coordinates reviews of pension plans applying for BEB funding and amendments to funded pension plans to ensure their compliance with the Pension Benefits Standards Act, 1985 and the registration provisions of the Income Tax Act.

## Initiatives for 1995

OSFI/95-1-O-M

### Financial Sector Reform

The Bank Act, the Trust Companies Act, the Loan Companies Act, the Canadian and British Insurance Companies Act, the Foreign Insurance Companies Act and the Cooperative Credit Associations Act have been replaced by new legislation which was proclaimed in force on June 1, 1992.

The 1992 legislation broadens the lending and investment powers of federally regulated financial institutions, updates and streamlines the regulatory regime under which these institutions operate, and modernizes the corporate law provisions that govern them. As well, it contains provisions requiring approval for changes in the ownership of financial institutions.

The 1992 legislation and related regulations will continue to have a significant impact on Canadian financial institutions and their customers. Broadened corporate business and investment powers promote the international competitiveness and domestic growth of Canadian financial institutions. These measures also enhance competition and innovation, increasing the options available to Canadian consumers. Further, the protection of depositors, policyholders, members of fraternal benefit societies and shareholders is being improved by updated rules respecting corporate governance, auditing, related party transactions and conflicts of interest. The requirement for approval of certain share transfers is helping to ensure appropriate ownership of federal financial institutions.

Although many regulations have been promulgated under the 1992 legislation, a number remain to be promulgated. Further, due to the substantive changes

in policy reflected in the 1992 legislation, and due to the volume and complexity of the new legislation and the regulations already promulgated, some of the regulations currently in force may require minor "fine tuning" amendments.

Extensive industry consultation and discussion have preceded the promulgation of the regulations currently in force, and will precede the promulgation of future regulations and amendments.

A summary of the regulations to be promulgated or amended follows.

**Form of proxy:** The regulations will prescribe the form and content of the proxy solicitation to be sent to shareholders and policyholders of financial institutions and filed with the Superintendent.

The Form of Proxy Regulations promulgated under the Bank Act of 1980 continue in force for banks under the new Bank Act, having been carried forward by virtue of the provisions contained in the Interpretation Act. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those promulgated under the Bank Act of 1980, and a consultation draft based on the original proposal was released on November 27, 1991.

It is now proposed that the form and content of the proxy solicitation will reflect, to the extent possible, the form and content of the proxy solicitation required of a corporation under Part IV of the Canada Business Corporations Act.

**Insider reports:** The regulations will prescribe the form of the insider report that must be filed with the Superintendent in connection with the ownership or acquisition of shares of a financial institution.

The Insider Reports Regulations promulgated under the Bank Act of 1980 continue in force for banks under the new Bank Act, having been carried forward by virtue of the provisions contained in the Interpretation Act. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those promulgated under the Bank Act of 1980, and a consultation draft based on

the original proposal was released on November 27, 1991.

It is now proposed that the form of the insider report will reflect, to the extent possible, the form of the insider report required of a corporation under the Canada Business Corporations Act.

**Insurance activities:** The regulations will delineate the relationships that cooperative credit associations maintain with entities or individuals that engage in or carry on the business of insurance, and with insurance companies, insurance agents and insurance brokers. The regulations will also define the insurance-related activities in which cooperative credit associations may engage and the manner in which they may promote insurance, and will address the use and distribution of protected types of information.

It is expected that the regulations will be similar to the Insurance Business Regulations promulgated on May 21, 1992 with respect to banks and trust and loan companies.

**Credit information:** The regulations will address the use and distribution by an insurance company of protected types of information.

**Form, content and distribution of prospectus:** The regulations will prescribe the form, content and distribution of a preliminary prospectus and a prospectus that must be filed with the Superintendent in connection with the issue of securities by a financial institution.

The Prospectus Regulations promulgated under the Bank Act of 1980 continue in force for banks under the new Bank Act, having been carried forward by virtue of the provisions contained in the Interpretation Act. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those promulgated under the Bank Act of 1980, and a consultation draft based on the original proposal was released on November 27, 1991.

It is now proposed that these regulations will provide that a prospectus is to be prepared in compliance with the laws of the province or provinces in which the prospectus is to be distributed.

**Restrictions on in-house investment counselling and portfolio management activities:** The regulations will establish the prohibitions, terms and conditions to

which a financial institution will be subject in connection with the in-house provision of investment counselling and portfolio management services.

**Minority investments:** The legislation provides that a financial institution cannot acquire or increase substantial investments in corporations carrying on certain activities, unless the institution controls the corporations, or unless allowed by the regulations.

The current regulations establish the circumstances in which a financial institution may acquire or increase substantial investments in corporations without acquiring a controlling interest in such corporations. These regulations require that the corporation in which the substantial investment is held be controlled by a regulated financial institution or a regulated financial holding company.

One of the types of corporations in which financial institutions are allowed to acquire a substantial but non-controlling investment is an insurance company. Some insurance companies are mutual companies, which are owned by their policyholders. Mutual companies are allowed to issue preferred shares, but are not allowed to issue voting, common shares. Mutual companies cannot, therefore, be controlled by anyone other than their policyholders. However, it is possible that a financial institution could acquire a substantial investment in a mutual company by acquiring preferred shares.

The current regulations will be amended to allow regulated financial institutions to acquire a substantial investment in a mutual insurance company.

**Related party transactions:** The legislation prohibits transactions between a financial institution and parties related to it, other than transactions specifically permitted by the legislation or regulations.

On May 21, 1992, regulations were promulgated permitting certain related party transactions between foreign bank subsidiaries in Canada and their foreign parent banks.

Additional regulations are required to allow securities dealer subsidiaries of financial institutions to trade in the shares of their parent institutions on behalf of third parties to allow financial institutions to allocate tax deductions among related parties, as provided by the Income Tax Act and to allow financial institutions to effect certain changes to their capital structure, such as the redemption or purchase for cancellation of their own shares.

At present, federal financial institutions that are themselves subsidiaries of other federal financial



institutions are restricted in their dealings with other subsidiaries of the parent financial institution. Regulations may be required allowing them to engage in certain transactions or classes of transactions with such other subsidiaries.

Due to the substantive changes in policy reflected in the new legislation, and due to the volume and complexity of the new legislation and the regulations already promulgated, other regulations currently in force may require minor "fine tuning" amendments.

The benefits of these regulations will be the achievement of the government's goals, as described above.

These regulations will impose initial administrative costs on the financial sector, which must implement systems to ensure compliance, and will impose some ongoing costs in maintaining and refining these systems. However, although the ongoing costs may be greater than the costs incurred under the previous legislation and regulations, they should not be significantly higher.

The Office has also incurred initial expenses in developing and processing these regulations, and will incur some ongoing costs in distributing them, discussing them with and explaining them to interested parties, and monitoring for compliance purposes. Again, although the ongoing costs may be greater than those incurred under the previous legislation and regulations, they should not be significantly higher.

**Legal Authority:** Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act

**Status:** Part of this initiative appeared in the 1994 Regulatory Plan as OSFI-1.

**Contact:** B. Knapp, Director, Policy Division, Office of the Superintendent of Financial Institutions, 16th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9004; Fax: (613) 953-6782.

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OSFI/95-2-O-1

## **Pension Benefits Standards**

The Pension Benefits Standards Act, 1985 sets standards for the registration of pension plans subject to federal supervision. The regulations made pursuant to the Act contain additional requirements necessary to carry out its intent. Ongoing administrative experience, including discussions with administrators

and professionals, indicates that further changes are required to reflect current policy and practice.

The following describes the more significant changes that the Office is in the process of drafting.

**Information returns:** The current regulations require that plans provide the Office with investment information and membership and contribution information. The regulations will be amended to change some of the reporting requirements.

For regulatory purposes, less information is required about a defined contribution plan than is required about a defined benefit plan. Accordingly, the regulations will also be amended to require that different information be provided with respect to each of the two types of plans.

**Canadian Institute of Actuaries valuation standards:** When applying for registration under the Act, a proposed plan is required to file an actuarial report that complies with specific valuation standards established by the Canadian Institute of Actuaries (CIA). From time to time, the CIA amends such standards.

The regulations will be amended to require that the report comply with the latest standards developed by the CIA.

**Safekeeping of assets:** The current regulations provide that the assets of a plan be held "in the name of a bank, trust company or other financial institution in accordance with an agreement that clearly indicates that the investment is held in trust for the plan..." Only trust companies may exercise trust powers; accordingly, only trust companies may enter into this type of agreement.

The regulations will be amended to allow other specified types of financial institutions to hold assets of pension plans through a custodial agreement.

The current regulations also provide that the assets of a plan may be held "in the name of the Canadian Depository for Securities Limited (CDS) or a nominee thereof."

The regulations will be amended to provide that the use of CDS also be in accordance with a custodial or trust agreement.

**Solvency funding rules:** The current regulations provide that, where a valuation reveals a solvency deficiency, the deficient amount must be paid within the five years following the valuation. The regulations will be amended to shorten this period to three years.



The regulations will also be amended to provide that, where a plan has a solvency deficiency, the cost of any improvements to the benefits will have to be fully paid at the time the improvements are made.

**Distribution of assets from wound up plans:** The Act provides the Superintendent with authority to make regulations respecting the distribution of assets of a pension plan that is being wound up. To date, no such regulations have been promulgated.

Many plan texts are silent about how the assets of the pension fund are to be distributed when the plan is wound up. This leaves to the plan's trustees the determination of who is entitled to full or partial benefits. Several methods could reasonably be used to allocate assets, leading to uncertainty and possible controversy.

The regulations will be amended to provide a method of distribution on winding up with respect to those plans that do not address the distribution of assets when the plan is wound up.

These amendments address certain technical problems and clarify the intent of the regulations. They will resolve uncertainty, will lessen the administrative burden and costs currently incurred by pension plans and their trustees, and will contribute to the efficient functioning of pension plans and their supervision.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by the Office.

**Legal Authority:** Pension Benefits Standards Act, 1985

**Status:** Parts of this initiative appeared in the 1994 Regulatory Plan as OSFI-2.

**Contact:** M. Fowler, Director General, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 12th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8084; Fax: (613) 952-8219.

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OSFI/95-3-N-I

## **Assessment of Expenses Against Supervised Financial Institutions**

Expenses incurred by the Office in supervising financial institutions are assessed against the institutions supervised, in accordance with a formula, based on premium income for insurance companies and on average assets for other institutions. At present, expenses of administering each Act are assessed against institutions registered or licensed thereunder. Thus, expenses of administering the Bank

Act are assessed against banks, expenses of administering the Insurance Companies Act are assessed against insurance companies and fraternal benefit societies, and so on.

With the trend in the deposit-taking industry towards increasing cross-ownership and the similarity in the provisions of the legislation governing the supervision of banks and trust and loan companies, the Office is considering combining these types of institutions into one group for cost-recovery purposes, with related changes to the assessment formula. As regards insurance companies, the Office is considering modifications to permit the recovery of certain expenses, such as liquidation or other expenses, from the industry sector (for example, either life or property and casualty in respect of which they were incurred).

The Office is contemplating appropriate amendments to the regulations following further discussions with the industry. These amendments will affect the distribution of expenses for 1994-95 and subsequent fiscal years.

The amendments will result in a redistribution of the Office costs, with some types of institutions paying a larger share and some types of institutions paying a smaller share than was previously the case. The net effect, however, will be neutral on the financial services industry as a whole.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by the Office.

**Legal Authority:** Office of the Superintendent of Financial Institutions Act, subsection 23(3)

**Status:** This is a new initiative.

**Contact:** A. Tam, Acting Manager, Financial Services, Office of the Superintendent of Financial Institutions, 15th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7855; Fax: (613) 952-8219.

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OSFI/95-4-O-I

## **Investment Valuation Rules - Determination of Market Value and Accounting for Substantial Investments**

Existing Investment Valuation Regulations promulgated under former insurance legislation continue in force under the new Insurance Companies Act, having been carried forward by virtue of the provisions contained in the Interpretation Act.

It is intended that these regulations operate in substantially the same manner under the new Insurance Companies Act as they did under the former legislation. To achieve this objective, it is necessary that the Regulations be amended to address the determination of market values with respect to substantial investments and closely held equity investments held by federally regulated property and casualty insurance companies.

It may also be necessary to make some additional minor amendments.

These amendments are technical in nature. They clarify the intent of the Office to continue the previous rules, and will impose no additional costs on the regulated companies.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by the Office.

**Legal Authority:** Insurance Companies Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as OSFI-4.

**Contact:** R. Graham, Director, Analysis, Property and Casualty Insurance Division, Office of the Superintendent of Financial Institutions, 14th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2.  
Tel.: (613) 990-7801; Fax: (613) 952-8219.

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OSFI/95-5-O-I

## **Investment Valuation Rules for Insurance Companies - Capital Gains Treatment on Realization of Security and Appropriations of Capital**

**Capital gains treatment on realization of security:** To ensure a more equitable distribution among generations of policyholders of the unrealized appreciation or depreciation on real estate held by companies, the current regulations provide that the capital gains and losses resulting from sales of real estate are brought into income over a period of time instead of being directly reflected in income and surplus in the year of disposal.

These regulations are to be amended to clarify that this treatment is not to be accorded to real estate acquired pursuant to the realization of a security interest against real property. In this situation, real estate is to be carried at market value; thus, any fluctuations in value will be brought into income as they occur.

**Appropriations of capital:** The current regulations provide for the establishment of certain reserves. Because the Minimum Continuing Capital and Surplus Rules, which measure the capital adequacy of life insurance companies, are now effective, some of the existing reserves have become inappropriate or redundant. The regulations will be amended to address such inappropriateness or redundancy.

These amendments are technical in nature, and will impose no additional costs on the regulated companies.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by the Office.

**Legal Authority:** Insurance Companies Act

**Status:** This initiative appeared in the 1994 Regulatory Plan as OSFI-5.

**Contact:** Johanne C. Prévost, Manager, Supervisory Policy, Office of the Superintendent of Financial Institutions, 16th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7245; Fax: (613) 952-8219.

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OSFI/95-6-R-I

## **Financial Institutions Legislation - Regulatory Orders, etc.**

Various sections of the Bank Act, the Trust and Loan Companies Act, the Insurance Companies Act and the Cooperative Credit Associations Act provide the Superintendent, the Minister of Finance or the Governor in Council with authority to grant permissions, approvals, consents, exemptions and similar dispensatory relief to financial institutions, and the authority to require that institutions take or refrain from taking certain actions. A number of these relief provisions and directions are expected to be exercised during 1995 but it is impossible to determine their frequency.

The use of relief provisions and directions is part of the ongoing process of routine supervisory control. It is intended that the use of these regulatory tools will enhance public protection and choice with the least possible disruption to the institutions affected. The use of relief provisions will, in most cases, lessen the regulatory burden and should not impose any additional costs on the regulated institutions. The use of directions will impose additional restrictions on institutions and, depending upon the nature of the direction, may result in increased costs to the

regulated institutions. However, such directions will only be used when necessary, in circumstances in which the benefit to the financial system outweighs the increased costs imposed on the regulated institutions.

Other than the costs incurred in processing them, relief provisions and directions will have no significant effect on costs incurred by the Office.

**Legal Authority:** Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act

**Status:** This is a recurring initiative.

**Contact:** A. Brossard, Director, Rulings Division, Office of the Superintendent of Financial Institutions, 16th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7805; Fax: (613) 952-8219.

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OSFI/95-7-R-1

### **Supervision of Financial Institutions - Miscellaneous amendments**

The Governor in Council has, from time to time, made regulations pursuant to authority contained in the Office of the Superintendent of Financial Institutions Act and the various other statutes administered by the Office. These regulations deal primarily with matters pertaining to the supervision of financial institutions. It is likely that, during 1995, minor changes to some of these regulations will be necessary to clarify intent and purpose, to correct ambiguities or discrepancies, or to delete obsolete provisions.

Because the changes will be minor, these amendments are not expected to have any material effect or to impose any significant costs on regulated financial institutions or the general public.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by the Office.

**Legal Authority:** Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act

**Status:** This is a recurring initiative.

**Contact:** B. Knapp, Director, Policy Division, Office of the Superintendent of Financial Institutions, 16th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9004; Fax: (613) 953-6782.



# Patented Medicine Prices Review Board

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## General Information

### Roles and Responsibilities

The Patented Medicine Prices Review Board is an independent quasi-judicial agency established in 1987 by amendments to the Patent Act. It regulates and reports on the prices of patented medicines, and reports on patentees' expenditures on research and development. The Board acts as a safeguard against patentees charging excessive prices for patented medicines. It monitors and reports annually to Parliament both on price trends of all medicines and on the research and development performance of pharmaceutical patentees. After giving a patentee an opportunity to be heard in a public hearing, the Board can order a patentee to reduce the price of a patented medicine that is found to be excessive to a non-excessive level. The Board can also recapture any excess revenues the patentee may have earned while the price was excessive. The Patent Act makes it an offense to fail to comply with an order of the Board or with the reporting requirements.

### Legislative Mandate

- Patent Act Amendment Act, 1992

### Initiatives for 1995

PMPRB/95-1-N-L

#### Patented Medicines Regulations - Miscellaneous Regulatory Amendments

The Patented Medicines Regulations came into effect in 1988. They require patentees of inventions pertaining to medicines to submit information to the Board on the identification and prices of patented medicines sold in Canada, as well as revenues and research and development expenditures relating to medicines.

Administrative amendments to the Patented Medicines Regulations via the miscellaneous regulatory amendments process are required to ensure accord with the amendments made to the Patent Act in 1993 with the enactment of Bill C-91. The current regulations will therefore be revoked and replaced to reflect the amendments to the Act.

There are no cost or policy implications as these changes consist mainly of the elimination of obsolete references to the former Patent Act and the renumbering or changing of references to accord with the sections of the Act from which the regulatory provisions take their authority. In addition, the amendments address minor wording changes, such as the correction of discrepancies or grammatical errors.

**Legal Authority:** Patent Act Amendment Act, 1992

**Status:** This is a new initiative.

**Contact:** Richard Konchak, Director of Policy and Scientific Analysis, Patented Medicine Prices Review Board, Standard Life Centre, Suite 1400, 333 Laurier Avenue West, Ottawa, Ontario, K1P 1C1.  
Tel.: (613) 952-8052; Fax: (613) 952-7626.

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PMPRB/95-2-O-L

#### Rules of Practice and Procedure

This regulatory instrument establishes general rules for regulating the practice and procedure of the Board in its hearing process.

These rules deal, among other things, with the time and manner in which applications and notices must be made or given, methods of serving documents, and the nature and organization of Board hearings. This instrument allows parties appearing before the Board to know in advance the rules governing hearings.

**Legal Authority:** Patent Act Amendment Act, 1992, subsection 96(2)

**Status:** This initiative appeared in the 1992 Regulatory Plan as PMPRB-1.

**Contact:** Sylvie Dupont-Kirby, Secretary to the Board, Patented Medicine Prices Review Board, Standard Life Centre, Suite 1400, 333 Laurier Avenue West, Ottawa, Ontario, K1P 1C1. Tel.: (613) 954-8299;  
Fax: (613) 952-7626.

# Progress Report on 1994 Regulatory Plan Initiatives

Status Report as of September 15, 1994

SOR/94-(no) = Final approval received,  
registered under this number  
and published in *Canada  
Gazette*, Part II;  
JJ/MM/94 = Pre-published in *Canada  
Gazette*, Part I, on that date,  
Proceeding to final approval;  
C = Carried over to 1995 Plan;  
D = Delayed;  
J = At PCO-J for legal examination;  
N = Not yet published;  
R = Recurring initiative;  
X = Withdrawn

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## Initiative Status

### Agriculture and Agri-Food Canada

AGR-1	Beef and Veal Import Restriction Order	D
AGR-2	Canadian Grain Regulations - Fees of the Commission	D
AGR-3	Canadian Grain Regulations - Grades	J
AGR-4	Canadian Wheat Board Regulations - Initial Payments	R

Initiatives			Status	Initiatives			Status
AGR-5	Dairy Products Regulations - Pasteurization Standards	C		AGR-20	Health of Animals Regulations - Veterinary Biologics	NC	
AGR-6	Dairy Products, Fresh Fruit and Vegetables, Honey, Maple Products Regulations - Trade Mark	C		AGR-21	Health of Animals Regulations Prohibition Regulations	R	
AGR-7	Egg Regulations - Pre-Grade Changes	X		AGR-22	Health of Animals Regulations Disease Control and Eradication Programs	C	
AGR-8	Farm Improvement and Marketing Cooperatives Loans Regulations - Amendments	C		AGR-23	Health of Animals Regulations Foreign Animal Disease	C	
AGR-9	Farm Income Protection Act - Respecting the Protection for the Income of Milk Producers	R		AGR-24	Health of Animals Act - Import Animal Products and By-Products	D	
AGR-10	Feeds Regulations - Clarification of Definition	J		AGR-25	Licensing and Arbitration Regulations - Rewrite	C	
AGR-11	Feeds Regulations - Housekeeping Revisions	C		AGR-26	Livestock Carcass Grading Regulations - Hog Carcass Cutout	CJ	
AGR-12	Feeds Regulations - Minor and Editorial Updates	C		AGR-27	Livestock Carcass Grading Regulations - Bison Standards	30/07/94	
AGR-13	Fertilizers Regulations - Clarification of Definition	J		AGR-28	Livestock Carcass Grading Regulations - Poultry Standards	J	
AGR-14	Fertilizers Regulations - Minor and Editorial Updates	NC		AGR-29	Meat Inspection Regulations, 1990 - Harmonization of Standards	CD	
AGR-15	Fertilizers Regulations - Permit Procedure Clarification	C		AGR-30	Meat Inspection Regulations, 1990 - Minimum Age to Slaughter Food Animals	CD	
AGR-16	Fertilizers Regulations - Advisory Committee for Microbial Supplements	X		AGR-31	Organic Food Production Regulations	C	
AGR-17	Health of Animals Regulations Poultry Diseases and Hatchery Regulations	C		AGR-32	Pari-Mutuel Betting Supervision Regulations - Drug Control	R	
AGR-18	Health of Animals Regulations - Administrative	C		AGR-33	Pest Control Products Regulations - Exemption of Specific Active Ingredients	D	
AGR-19	Health of Animals Act - Importation - Animals	C					



Initiatives		Status	Initiatives		Status
AGR-34	Pest Control Products Regulations - Registration of Accepted Active Ingredients	D	AECB-1	Atomic Energy Control Regulations - General Amendments	X
AGR-35	Pest Control Products Regulations - Research Permits Notification	X	AECB-2	Uranium Mines (Saskatchewan) - Occupational Health and Safety	C
AGR-36	Pest Control Products Regulations - Data Requirements Clarification	C	AECB-3	Atomic Energy Control Regulations - Radioactive Material	X
AGR-37	Pest Control Products Regulations - Exemption of Minor Amendments, Notification/Non-Notification	X	AECB-4	Atomic Energy Control Regulations - Revisions to Dose Limits	C
AGR-38	Pest Control Products Regulations - Definition of Organism	10/09/94	AECB-5	Transport Packaging of Radioactive Materials	C
AGR-39	Pest Control Products Regulations - Scheduling of Products for Use in Apiculture	C	AECB-6	Uranium Mines (Ontario) - Occupational Health and Safety	CR
AGR-40	Plant Breeders' Rights Regulations - Amendment	18/06/94	AECB-7	Cost Recovery Fees Regulations (Amendments)	R
AGR-41	Plant Protection Regulations	N	<b>Canada Mortgage and Housing Corporation</b>		
AGR-42	Quarantine and Inspection Service Fees Order - Update	D	CMHC-1	Loan Insurance and Mortgage-Backed Securities	C
AGR-43	Rabies Indemnity Regulations - Revision	X	CMHC-2	Social Housing	C
AGR-44	Seeds Regulations - Definition of Biotechnology	ND	<b>Canadian Heritage</b>		
AGR-45	Seeds Regulations - Authorization of Field Testing	CD	HER-1	Amendment of the "Direction to the CRTC (Eligible Canadian Corporations) C.R.C. c. 376"	C
AGR-46	Seeds Regulations - Miscellaneous Revisions	X	HER-2	Canadian Film and Video Certification Fees Order	C
AGR-47	Seeds Regulations - Seed Potatoes	27/08/94	HER-3	Admission Fees to National Historic Sites	SOR/94-579
<b>Atomic Energy Control Board</b>			HER-4	National Historic Parks Order	R
			HER-5	Parks Canada Documents and Service Fees Regulations	X

Initiatives		Status	Initiatives		Status
HER-6	Amendments to the National Park Businesses Regulations	19/02/94	HER-18	Regulation on the Quality of Service Provided by Exclusive Book Distributors to their Clients	C
HER-7	Amendments to National Parks Fishing Regulations	SOR/94-314	<b>Canadian Radio-television and Telecommunications Commission</b>		
HER-8	Amendments to the National Parks Building Regulations	D			
HER-9	Amendments to the National Parks Cottage Regulations	SOR/94-577	CRTC-1	Cable Television	SOR/94-352
HER-10	Amendments to the National Parks Fire Protection Regulations	SOR/94-266	CRTC-2	Radio, Television, Cable, Pay and Specialty Services	SOR/94-220 SOR/94-224
HER-11	Regulations Relating to the Proclamation of Gros Morne National Park	C	CRTC-3	Specialty Services	SOR/94-304
HER-12	Regulations Relating to the Proclamation of Pacific Rim National Park Reserve	C	CRTC-4	Cable Television and Television	SOR/94-133
HER-13	Deregulation of Parks Canada User Fees	SOR/94-267 SOR/94-439 SOR/94-448 SOR/94-512	CRTC-5	Radio, Television and Specialty Services Regulations	C
HER-14	Ministerial Order Authorizing the Minister to Prescribe Fees for Services Provided by the National Archives of Canada	SI/94-107	CRTC-6	Broadcast Licence Fee Regulations	SOR/94-421
HER-15	Order Authorizing the Minister to Prescribe Fees for Services provided by the National Library	SI/94-87	CRTC-7	Telecommunications Rules of Procedure	C
HER-16	National Library of Canada Fees Order	27/07/94	<b>Citizenship and Immigration Canada</b>		
HER-17	Regulations Defining "Small Transmission Systems" for the Purposes of the Copyright Board Setting a Preferential Rate	30/07/94			
			CI-1	Immigration Regulations, 1978 Transportation, Assistance and Admissibility Loans	CD
			CI-2	Immigration Regulations, 1978 Skilled Worker Immigrant Class	CD
			CI-3	Citizenship Regulations (general)	CD
			CI-4	Citizenship Regulations (cost recovery fees)	R
			CI-5	Immigration Act Fees Regulations - New and Modified Fees	SOR/94-389 R
			CI-6	Immigration Regulations, 1978 Visitor Visa Requirements	SOR/94-318 R
			CI-7	Immigration Regulations, 1978 Employment Authorization Exemption (Informants)	CD

Initiatives		Status	Initiatives		Status
CI-8	Immigration Regulations, 1978 Exemption From Employment Authorization for Crew Members of Foreign Owned or Registered Vehicles	X	CI-18	Immigration Regulations, 1978 On Demand Immigrant Processing	CD
CI-9	Immigration Regulations, 1978 General Agreement on Trade in Services (GATT)	CD	CI-19	Immigration Regulations, 1978 Issuance of Visitor Visas	D
CI-10	Immigration Regulations, 1978 Student Authorization Limitation	X	CI-20	Immigration Regulations, 1978 Pending Criminal Charges	CD
CI-11	Immigration Regulations, 1978 North American Free Trade Agreement (NAFTA)	SOR/93-609	<b>Copyright Board Canada</b>		
CI-12	Refugee Resettlement and Designated Class Regulations - Private Sponsorship Provisions	CD	CB-1	Copyright Board Rules of Practice and of Procedure	C
CI-13	Indochinese Designated Class (Transitional) Regulations - Revocation	C	CB-2	Regulation on the deadline for filing claims concerning rights arising from the communication of a work by telecommunication	C
CI-14	Indochinese Designated Class Regulations - Revocation	C	<b>Environment Canada</b>		
CI-15	Self-Exiled Persons Designated Class - Closing Date for Applications for Permanent Residence	C	EC-1	Ozone-Depleting Substances - Amendment	SOR/94-408 SOR/94-406
CI-16	Immigration Regulations, 1978 Conformity with Revised Statutes, 1985	CD	EC-2	New Substances Notification Regulations - Amendment	C
CI-17	Immigration Regulations, 1978 Visa officers not required to determine whether a child in the custody of a non-immigrating parent is a member of an inadmissible class	CD	EC-3	Masked-Names Regulations	C
			EC-4	Confidential Information Regulations	C
			EC-5	PCB Regulations - Amendment	C
			EC-6	Hazardous Waste Management at Federal Facilities	C
			EC-7	Experimental Spill Regulations	C
			EC-8	Federal Boiler Emission Guidelines - Regulations	D
			EC-9	Petroleum Refinery Liquid Effluent Regulations and Guidelines - Amendment	C
			EC-10	Fuels Information Regulation No. 1 - Amendment	C



Initiatives			Status	Initiatives			Status
EC-11	Secondary Lead Smelter Release Regulations - Amendment		SOR/94-364	EC-27	Projects Outside Canada		C
EC-12	Storage Tank Systems Registration Regulations		C	EC-28	Offshore Boards		D
EC-13	Chlor-Alkali Liquid Effluent Regulations - Amendment		16/07/94	EC-29	Minimal Federal Involvement		C
EC-14	Meat and Poultry Products Plant Liquid Effluent Regulations - Amendment		16/07/94	EC-30	National Security (Exclusion List)		D
EC-15	Potato Processing Plant Liquid Effluent Regulations - Amendment		16/07/94	EC-31	Procedural Regulations		N
EC-16	Metal Mining Liquid Effluent Regulations - Amendment		16/07/94	EC-32	Environmental Choice Programs Fees		X
EC-17	Environmental Protection Board of Review Rules		19/12/92	EC-33	Fees and Charges for Special Services		C
EC-18	Migratory Birds - Annual Game Bird Hunting		SOR/94-449 R	<b>Finance Canada</b>			
EC-19	Migratory Birds, Migratory Bird Sanctuary, and Wildlife Area Regulations - General		C	FIN-1	Temporary Reduction, Removal or Drawback of Customs Duties		R
EC-20	Wildlife Area Regulations - Establishment or Change to Boundaries of National Wildlife Areas Last Mountain Lake		C SOR/94-527	FIN-2	Sports Equipment		R
EC-21	Exclusion List		SOR/94-1688, 18/09/93	FIN-3	Goods for Disabled Persons		R
EC-22	Inclusion List		SOR/94-1686, 18/09/93	FIN-4	Tariff Treatment - Rules of Origin		R
EC-23	Statutory and Regulatory Provisions (Law List)		SOR/94-1685, 18/09/93	FIN-5	General Preferential Tariff Orders		R
EC-24	Comprehensive Study List		SOR/94-1687, 18/09/93	FIN-6	The General Agreement on Tariffs and Trade and Other Trade Agreements		R
EC-25	Crown Corporations and Harbour Commissions		C	FIN-7	Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)		R
EC-26	Indian Reserve Land\Indian Band Funding		C	FIN-8	Vessel Duty Removal/Reduction		R
				FIN-9	Most-Favoured-Nation Tariff Treatment		R
				FIN-10	Handicraft Goods Order		R
				FIN-11	Preferential Tariff Treatment for Certain Commonwealth Countries		R
				FIN-12	General Amending Orders		R
				FIN-13	Remission of Duties		R
				FIN-14	"Snapback" Tariffs on Fresh Fruits and Vegetables		R

Initiatives		Status	Initiatives		Status
FIN-15	Technical Amendments to the Customs Tariff	R	FIN-31	Income Tax Regulations Relating to Unregistered Pension Plans	C
FIN-16	Regulations Pursuant to Schedule VII of the Customs Tariff	R	FIN-32	Income Tax Regulations Relating to Indexed Debt Obligations	C
FIN-17	Remission of Anti-Dumping Duties	R	FIN-33	Employee Stock Options - Prescribed Shares	SOR/94-315
FIN-18	Special Import Measures Act (SIMA)	R	FIN-34	Income Tax Prescribed Share Provisions	SOR/94-315
FIN-19	Portfolio Management and Investment Counselling Regulations	C	FIN-35	Income Tax Regulations Relating to Branch Tax	SOR/93-395
FIN-20	Domestic Bonds of Canada Regulations	C	FIN-36	Contributions to Sinking Fund	SOR/94-297
FIN-21	Use of Customer Information Regulations	J	FIN-37	Part XIV of the Income Tax Regulations	SOR/94-415
FIN-22	Cooperatives Insurance Business Regulations	J	FIN-38	Income Tax Regulations Relating to Farmers' and Fishermen's Insurers	SOR/94-353
FIN-23	Financial Contracts Regulations	C	FIN-39	Additions to Subsection 5907(11) of the Income Tax Regulations	C
FIN-24	Newfoundland Offshore Petroleum Resource Revenue Accounts Regulations	C	FIN-40	Income Tax Regulations Relating to Life Insurance Companies and their Products	C
FIN-25	Income Tax Regulations Consequential on S.C. 1991, c. 49	SOR/94-140	FIN-41	Tax on Investment Income of Life Insurers	SOR/94-316
FIN-26	Income Tax Regulations Relating to the 1992 Budget and Income Tax Technical Amendments	SOR/94-140	FIN-42	Income Tax Regulations Relating to the 1993 Budget	SOR/94-170
FIN-27	Tax Exemption for European Bank for Reconstruction and Development	SOR/94-188	FIN-43	Interest Accrual Rules	C
FIN-28	Resource Allowance	C	FIN-44	Scientific Research and Experimental Development (SR&ED)	C
FIN-29	Registered Retirement Income Funds	SOR/94-127	FIN-45	Capital Cost Allowance	SOR/94-140
FIN-30	Income Tax Regulations Relating to Registered Pension Plans	C	FIN-46	Tax Exemption for Employees of International and Non-governmental Organizations	C
			FIN-47	Budget Regulations	R
			FIN-48	Other Income Tax Regulations	R

Initiatives			Status	Initiatives			Status
FIN-49	Agriculture and Fishing Property (GST) Regulations	CJ		FIN-68	Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987	R	
FIN-50	Automobile Operating Cost Benefit (GST) Regulations	CJ		FIN-69	Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993	CD	
FIN-51	Non-Taxable Imported Goods (GST) Regulations	CJ		<b>Fisheries and Oceans</b>			
FIN-52	Joint Venture (GST) Regulations	CJ		DFO-1	Alberta Fishery Regulations: Annual Amendments	C	
FIN-53	Value of Imported Goods (GST) Regulations	CJ		DFO-2	Alberta Fishery Regulations: Incidental Amendments to Complement New Provincial Act	X	
FIN-54	Streamlined Accounting (GST) Regulations	CJ		DFO-3	Atlantic Fishery Regulations, 1985: Biodegradable Mechanisms on Snow Crab Traps	X	
FIN-55	Financial Services (GST) Regulations	CJ		DFO-4	Atlantic Fishery Regulations, 1985; Foreign Vessel Fishing Regulations: Bluefin Tuna, Swordfish and Shark	SOR/94-292	
FIN-56	Debit and Credit Note Information (GST) Regulations	CJ		DFO-5	Atlantic Fishery Regulations, 1985: Identification Markings on Lobster Traps	X	
FIN-57	Public Service Body Rebate (GST) Regulations	CJ		DFO-6	Atlantic Fishery Regulations, 1985: Lumpfish Fishery	SOR/94-437	
FIN-58	Crown Agents (GST) Regulations	C		DFO-7	Atlantic Fishery Regulations, 1985; Foreign Vessel Fishing Regulations: Removal of hook and mesh sizes to allow for hook or mesh sizes to be specified by condition of licence	SOR/94-60	
FIN-59	Lotteries (GST) Regulations	C					
FIN-60	Games of Chance (GST) Regulations	C					
FIN-61	Taxes, Duties and Fees (GST) Regulations	CJ					
FIN-62	Mail and Courier Imports (GST) Regulations	CJ					
FIN-63	Budget (GST) Regulations	R					
FIN-64	Other GST Regulations	R					
FIN-65	Federal Provincial Fiscal Arrangements Act Regulations, 1994	J					
FIN-66	Federal-Provincial Fiscal Arrangements Regulations, 1992	R					
FIN-67	Federal-Provincial Fiscal Arrangements Regulations, 1987	X					



Initiatives		Status	Initiatives		Status
DFO-8	Atlantic Fishery Regulations, 1985: Scallop Fishing Areas and Protected Areas in Northern Quebec	X	DFO-19	Marine Mammal Regulations: Operation of an Aircraft near Seals on Land or Ice	SOR/94-54
DFO-9	British Columbia Sport Fishing Regulations: An Aggregate Daily Bag Limit for Coho in Tidal and Non-tidal Waters	X	DFO-20	Maritime Provinces Fishery Regulations: Salmon Tagging Provisions in Section 71	SOR/94-441
DFO-10	British Columbia Sport Fishing Regulations: Salmon Conservation Stamp	SOR/94-283	DFO-21	Ontario Fishing Regulations, 1989: General Amendments	J
DFO-11	British Columbia Sport Fishing Regulations: Daily Bag Limits for Goose Barnacles and Sea Cucumbers	X	DFO-22	Pacific Fishery Regulations, 1993: Bottom Trawl Cod-End Mesh Size - Hecate Strait	X
DFO-12	British Columbia Sport Fishing Regulations: Sport Fishing in Tidal Waters	SOR/94-294	DFO-23	Pacific Fishery Regulations, 1993: Fishing Gear Provisions and Use of Power Skiffs	SOR/94-391
DFO-13	British Columbia Sport Fishing Regulations - <i>Non Tidal</i> : Season, Gear and Catch Limit Changes	SOR/94-268 SOR/94-470	DFO-24	Pacific Fishery Regulations, 1993: Regulation of Groundfish Trip Quotas	SOR/94-57
DFO-14	British Columbia Sport Fishing Regulations; Pacific Fishery Regulations, 1993: Halibut Regulations	D	DFO-25	Quebec Fishery Regulations (1990) - Annual Amendments	SOR/94-392
DFO-15	Coastal Fisheries Protection Regulations: Miscellaneous Amendments	X	DFO-26	Saskatchewan Fishery Regulations: Rewrite of the Regulations	C
DFO-16	Fish Inspection Regulations - Rewrite of the Regulations	C	DFO-27	Yukon Territory Fishery Regulations: Rewrite of the Regulations	C
DFO-17	Manitoba Fishery Regulations, 1987: Annual Amendments	SOR/94-414	DFO-28	Various Regulations: Revision of Prescribed Fines for Ticketable Offences	J
DFO-18	Manitoba Fishery Regulations, 1987: Introduction of Senior Angling Licences	X	<b>Foreign Affairs and International Trade Canada</b>		
			FAIT-1	Export Control List	R
			FAIT-2	General Export Permits	R
			FAIT-3	Export Permit Regulations	C
			FAIT-4	General Import Permits - Textiles and Clothing	N

Initiatives			Initiatives		
Status			Status		
FAIT-5	Import Control List - Harmonized System	C	HC-8	Restricted and Narcotic Drugs	R
FAIT-6	Import Control List - Textiles and Clothing	R	HC-9	Special Access Scheme - Emergency Drug Release Program	CD
FAIT-7	Import Control List - Steel Import Monitoring	SOR-94-551	HC-10	Amendment to Part V of the Medical Devices Regulations	SOR/94-135
FAIT-8	Regulations to implement the Agreements reached under the General Agreement on Tariffs and Trade in the Uruguay Round of Multilateral Trade Negotiations	C	HC-11	Parenteral Requirements	CJ
FAIT-9	Privileges and Immunities Order	R	HC-12	Screening, Review and Approval of New Drug Submissions	CND
<b>Hazardous Materials Information Review Commission Canada</b>			HC-13	Psychoactive Substances Control Regulations	CD
HMIRC-1	Appeal Board Procedures Regulations	CD	HC-14	Federal Declaration of Drug Product Bioequivalency	CJ
HMIRC-2	Hazardous Materials Information Review Regulations	CD	HC-15	Adverse Drug Reaction Reporting	25/06/94
<b>Health Canada</b>			HC-16	Child-Resistant Packaging for Certain Cosmetic Products	SOR/94 (with PCO Aug. 94)
HC-1	Non-medicinal Ingredient Labelling	05/02/94	HC-17	Advertising of Certain Analgesics	SOR/94-409
HC-2	Notifiable Changes for New Drugs	CJ	HC-18	Good Manufacturing Practices for Biologics	CN
HC-3	Investigational New Drug Submissions	CJ	HC-19	Artificial Insemination	CN
HC-4	Food and Drugs Act and Regulations Schedules A, D, G and F Additions/Deletions/Corrections	CR	HC-20	Modified Release	SOR/94-36
HC-5	Canadian Agent for Imported Drugs	SOR/93-475	HC-21	Revisions to Schedule B Publications	SOR/94-288 SOR/94-289
HC-6	Housekeeping Changes to Drug Regulations	CR	HC-22	Conjugated Estrogens	CD
HC-7	Drug Colouring Agents Additions/Deletions/Corrections	CR	HC-23	Manufacturers' Standards	CD
			HC-24	DIN Information Requirements	CD
			HC-25	Drug Monograph for New Drugs Submissions/DINs	CD
			HC-26	Discretionary Testing of Schedule D Drugs	C
			HC-27	Ingredient Listing for Cosmetics	C

Initiatives		Status	Initiatives		Status
HC-28	GP Registration for a Product with more than one Fragrance, Flavour, or Colour	CN	HC-42	Microbiological Standards for Cheese	CDN
HC-29	Addition to Schedule D of Diagnostic Kits for Blood Testing	CD	HC-43	Composition and Standards of Cocoa Products	CDN
HC-30	DINs for Private Label Companies	CD	HC-44	Very Low Calorie Diets	SOR/94-35
HC-31	Bottled Water	CDN	HC-45	Foods for Use in Weight Reduction Diets	CDN
HC-32	Dioxins and Furans	CDN	HC-46	Labelling of Cholesterol and Fatty Acids	04/09/93
HC-33	Food Allergens	SOR/93-465	HC-47	Simplified Common Name for Various Types of Cellulose	X
HC-34	Enrichment of Alimentary Paste	SOR/94-37	HC-48	Label Declarations of Decaffeinating Agents Used in Decaffeinated Tea and Coffee	X
HC-35	Emergency Regulations	R	HC-49	Initiatives Resulting from the Departmental Regulatory Review	CNR
HC-36	Housekeeping Amendments to Food Regulations	CDN	HC-50	Good Manufacturing Practices Regulations for Foods	CDN
HC-37	Routine Enabling Amendments under the Food and Drug Regulations: General SOR/93-603, SOR/94-83, 25/06/94 Agricultural Chemicals SOR/93-476, SOR/94-28, SOR/94-183, SOR/94-184, SOR/94-385, SOR/94-393, SOR/94-418, SOR/94-477, 16/07/94 Food Additives SOR/93-445, SOR/93-466, SOR/93-477, SOR/94-29, SOR/94-38, SOR/94-141, SOR/94-182, SOR/94-212, SOR/94-227, SOR/94-329, SOR/94-416, SOR/94-417, 05/03/94, 07/05/94, 25/06/94		HC-51	Sale of a Device for Investigational Testing	C
HC-38	Regulation of Drug Residues in Foods	R	HC-52	Standard for Labelling of In Vitro Diagnostic Test Devices	C
HC-39	Fat Content of Ground Meat	X	HC-53	Single Use Insulin Syringes	C
HC-40	Phosphates in Meat and Poultry Products	SOR/94-262	HC-54	Removal of Specific Implantable Dental Materials from the Table to Part V	SOR/94-39
HC-41	Herbs and Botanical Preparations	19/12/92	HC-55	Labelling Requirements for Contact Lenses	C
			HC-56	Labelling Requirements for Menstrual Tampons	C
			HC-57	Housekeeping Amendments to the Medical Devices Regulations	R
			HC-58	Labelling of Pressurized Containers	05/02/94



Initiatives			Status	Initiatives			Status
HC-59	Amendments to Schedule I, Contraceptive Devices	C		<b>Human Resources Development Canada</b>			
HC-60	Quality System Requirements for Medical Devices	C		HRD-1	Status of the Artist Professional Category Regulations	C	
HC-61	Condoms	C		HRD-2	Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part II (Building Safety)	JC	
HC-62	Revocation of Schedule VII, Electromedical Devices	SOR/94-84		HRD-3	Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part X (Hazardous Substances)	JC	
HC-63	Standard for Laser Equipment	C		HRD-4	Occupational Safety and Health (OSH) Regulations - Amendments to Part XIV (Materials Handling)	JC	
HC-64	Diagnostic X-Ray Equipment	C		HRD-5	Canada Occupational Safety and Health (OSH) Regulations, Amendments to - Disabilities Project	JC	
HC-65	Housekeeping Amendments to the Radiation Emitting Devices Regulations	R		HRD-6	Oil and Gas Occupational Safety and Health (OSH) Regulations - Revisions	C	
HC-66	Computed Tomography X-Ray Equipment	C		HRD-7	Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part XI (Confined Spaces)	C	
HC-67	Radiopharmaceuticals Regulations (Schedule C Drugs)	C		HRD-8	Occupational Safety and Health (OSH) Regulations - Diving Safety	C	
HC-68	Regulations Respecting Tobacco Sales to Young Persons	SOR/94-163		HRD-9	Coal Mining (CBDC) Occupational Safety and Health (OSH) Regulations - Amendments	SOR/94-263	
HC-69	Housekeeping Amendments to the Tobacco Products Control Regulations	R		HRD-10	Canada Occupational Safety and Health (OSH) Regulations - Revisions	N	
HC-70	Revision of Liquid Coating Materials Regulations	C		HRD-11	On-Board Trains Occupational Safety and Health (OSH) Regulations - Revisions		
HC-71	Revision of Glazed Ceramics Regulations	C					
HC-72	WHMIS - Controlled Products	C					
HC-73	Child-Resistant Lighters	C					
HC-74	Cribs and Cradles - Child Safety	26\2\94					
HC-75	Carriages and Strollers	C					
HC-76	Food, Water and Sanitation Regulations for Common Carriers	C					

Initiatives		Status	Initiatives		Status
HRD-12	Marine Occupational Safety and Health (OSH) Regulations - Revisions	18/06/94	HRD-27	Unemployment Insurance Regulations - Redefinition of a Working Day	C
HRD-13	Canada Labour Standards Regulations - Revisions	02/04/94	HRD-28	Unemployment Insurance Regulations - Revision of Earnings Definition and Allocation Provisions	C
HRD-14	Federal Minimum Wage - Revision	C	HRD-29	Unemployment Insurance Regulations - Exclusion of Non-Taxable Disability Income from Earnings	SOR/94-469
HRD-15	Rabbit Lake Uranium Workers Hours of Work Regulations	SOR/94-365	HRD-30	Unemployment Insurance Regulations - Insurability of Taxi Drivers	C
HRD-16	Commission Salespersons Hours of Work Regulations	C	HRD-31	Unemployment Insurance Regulations - Allocation of earnings for real estate salespersons	C
HRD-17	Fair Wages Policy Order and Fair Wages and Hours of Labour Regulations	D	HRD-32	Old Age Security Regulations: Info-sharing with Provinces	C
HRD-18	Merchant Seamen Compensation Order	N	HRD-33	Canada Pension Plan Regulations: Removal of Schedule of International Agreements	C
HRD-19	Labour Adjustment Benefits Allocation of Remuneration Regulations - Revisions	X	HRD-34	Old Age Security Regulations: Removal of Schedule of International Agreements	C
HRD-20	User Fees - Bureau of Labour Information Products and Services	D	HRD-35	Old Age Security Regulations: Residence Rules	C
HRD-21	National Training Regulations - Rate of Training Allowances	R	HRD-36	Old Age Security Regulations: Delegation of Powers	C
HRD-22	Developmental Assistance - Supplementary Training Allowances	R	HRD-37	Canada Student Loans Regulations	C
HRD-23	Developmental Assistance - Mobility Assistance	X	<b>Immigration and Refugee Board</b>		
HRD-24	Unemployment Insurance Regulations - Minor, Technical or Housekeeping Amendments	SOR/94-446 R	IRB-1	Convention Refugee Determination Division Rules, amendments	C
HRD-25	Unemployment Insurance Regulations - Reduction of Premiums for Employers with Wage Loss Plans	N	IRB-2	Immigration Appeal Division Rules, amendments	C
HRD-26	Unemployment Insurance Regulations - Proof of Pregnancy	X			

Initiatives			Status	Initiatives			Status
IRB-3	Adjudication Division Rules, amendments	C		LAND-23	Mackenzie Valley Surface Rights Board	CD	
<b>Indian and Northern Affairs Canada</b>				LAND-24	Nunavut Surface Rights Board	CD	
LAND-1	Cree-Naskapi Band Expropriations	CD		LAND-25	Yukon Surface Rights Board	CD	
LAND-2	Cree-Naskapi Special Band Meetings	CD		LAND-26	Reindeer - Northwest Territories	CD	
LAND-3	Cree-Naskapi Band Referenda	CD		LAND-27	Archaeological Sites - Yukon & Northwest Territories	CD	
LAND-4	Cree-Naskapi Land Registry	SOR/94-369		LAND-28	Canada Certificate of Fitness	*	
LAND-5	Indian Estates	J		LAND-29	Canada Oil and Gas Diving	*	
LAND-6	Indian Mining	CD		LAND-30	Canada Oil and Gas Drilling	*	
LAND-7	Indian Timber	CD		LAND-31	Canada Oil and Gas Geophysical	*	
LAND-8	Indian Off-Reserve and Eskimo Housing	SOR/94-369		LAND-32	Canada Oil and Gas Installations	*	
LAND-9	Montreal Trust Company	SOR/94-369		LAND-33	Canada Oil and Gas Land	CD	
LAND-10	Arctic Waters Pollution Prevention	X		LAND-34	Canada Oil and Gas Operations	*	
LAND-11	Canada Mining	CD		LAND-35	Canada Oil and Gas Production and Conservation	*	
LAND-12	Mining Land Use	CD		LAND-36	Canada Oil and Gas Spill and Debris Liability	*	
LAND-13	Placer Mining Authority	CD		LAND-37	Frontier Lands Petroleum Land Division and Survey	CD	
LAND-14	Discovery Mines Limited Lease	SOR/94-369		LAND-38	Frontier Lands Registration	CD	
LAND-15	James H. Simpson Mineral Claims	SOR/94-369		LAND-39	Offshore Installation Manager	*	
LAND-16	Yukon Work Relief Orders	R		LAND-40	Drake Point F-16 Royalty	SOR/94-369	
LAND-17	Yukon Mining - Staking Prohibitions	R		* Please refer to the National Energy Board (NEB) section of the Regulatory Plan for status on these initiatives since the responsibility for these regulations was transferred to the NEB following the enactment of Bill C-6, An Act to amend the Canada Oil and Gas Operations Act, the Canada Petroleum Resources Act and the National Energy Board Act and to make consequential amendments to other Acts. Bill C-6 received Royal Assent on May 12, 1994			
LAND-18	Federal Government Employee Land Acquisitions	R					
LAND-19	Territorial Lands	CD					
LAND-20	Territorial Lands and Public Lands Pits and Quarries	CD					
LAND-21	Inuvik Land	SOR/94-369					
LAND-22	Mackenzie Valley Resource Management	CD					



Initiatives		Status	Initiatives		Status
<b>Industry Canada</b>			IC-18	Canada Business Corporations Act - Application for Exemption from Filing of Insider Trading Reports	C
IC-1	Bankruptcy and Insolvency - Revision of Rules and Forms	C	IC-19	Canada Business Corporations Act - Fees - Certificate of Compliance	C
IC-2	AM Carrier Transmitters	C	IC-20	Canada Business Corporations Act - Fees - Search Services and Copies of Documents	C
IC-3	Broadcasting Receiving Apparatus	C	IC-21	Canada Business Corporations Act - Forms - Furnished by the Director	C
IC-4	Low-Power Announce Transmitters	C	IC-22	Interference Causing Equipment Standards List - Revised Standards	R
IC-5	Delegation of Authority to Prescribe User Fees	D	IC-23	Radio Standards Specifications Revised Standards	R
IC-6	Copyright - Revision of Fees and Form	C	IC-24	Patented Medicines (Notice of Compliance) Regulations - Amendments	X
IC-7	Industrial Design - Revision of Fees	C	IC-25	Electricity and Gas Inspection Regulations - Ongoing Technical Revisions	C
IC-8	Patents - Fee Form for Payment	X	IC-26	Electricity and Gas Inspection Regulations - Minor Revisions to Inspection Fees and Charges	NR
IC-9	Patents - Revision	C	IC-27	Weights and Measures Regulations - Diamonds and Gem Stones	C
IC-10	Trade-marks - Fee Form for Payment	X	IC-28	Weights and Measures Regulations - Limits of Error for Exempted Devices	X
IC-11	Trade-marks - Revision	J	IC-29	Weights and Measures Regulations - Minor Revisions and Additions	N
IC-12	Consumer Packaging and Labelling Regulations - Initiatives Arising from 1992 Regulatory Review	C			
IC-13	Consumer Packaging and Labelling Regulations - Miscellaneous	D			
IC-14	Consumer Packaging and Labelling Regulations - Revocation of Section 36, Standardized Container Sizes	J			
IC-15	Textile Labelling and Advertising Regulations - Proper Use of Terms	D			
IC-16	Textile Labelling and Advertising Regulations - Dealer Identity Numbers	26/02/94			
IC-17	Canada Business Corporations Act - Contents of Management Proxy Circular	C			

Initiatives			Status	Initiatives			Status
IC-30	Weights and Measures Regulations - Revoke Annual Mandatory Inspection of Grain Elevators Licensed Under the Canada Grain Act	07/05/94		JUS-5	Seized Property Management Act Regulations Seized Property Management Act Regulations Seized Property Disposition Regulations Forfeited Property Sharing Regulations	SOR/94-303	
IC-31	Tax Rebate Discounting Act - User Fee Policy	C				16/08/94	
IC-32	Broadcast and Radio Technical Data Services Fee Order	R		JUS-6	Contraventions Act - Ticketing Scheme	C	
IC-33	Cellular Licence Fees	X		JUS-7	Regulation Establishing "Safety Zone" Around Marine Installations	C	
IC-34	Definition of the Restricted Public Commercial Service	X		JUS-8	Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order	R	
IC-35	Fleet Licensing	X					
IC-36	General Radio Licence Fee Increase	SOR/94-236		JUS-9	Information Banks	C	
IC-37	Licensing of Mobile Satellite Systems	J		JUS-10	Forms for Interception	C	
IC-38	Reform of the Radio Regulations	J		JUS-11	Conditions for Holdbacks	C	
IC-39	Point-to-Multipoint Licensing	X		JUS-12	Notice of Service of Garnishment	C	
IC-40	Small Business Loan Administration Regulations - Amendments	J		JUS-13	Forms for Tracing	C	
IC-41	Revision of the External Submarine Cable Regulations - Telephone Service	D		JUS-14	Amendment of the Schedule Containing the Registration of Divorce Proceeding Form	CDJ	
<b>Justice Canada</b>				JUS-15	Amendment of the Schedule Referred to in Sections 31, 32 and 41 of the Garnishment, Attachment and Pension Diversion Act, Part II, R.S.C. 1985, C.G-2	CD	
JUS-1	Access to Information and Privacy Acts: Extending Coverage	R		JUS-16	Amendment of the Garnishment and Attachment Regulations	CD	
JUS-2	Extending the Privacy Act to Crown Corporations	R		JUS-17	Firearms Regulations (Criminal Code Part III)	C	
JUS-3	Access to Information and Privacy Regulations: Amendments to Schedules	R		JUS-18	Firearms Regulations (Prohibited and Restricted Weapons Orders)	R	
JUS-4	Statutory Instruments Regulations	R					

Initiatives			Status	Initiatives			Status
National Capital Commission				NTA-2	Air Transportation Regulations - Housekeeping Changes	DC	
NCC-1	National Capital Commission Property Regulations	D		NTA-3	Air Transportation - Addition of New Regulations Pertaining to Canada-U.S. Charter Services	14/11/92 DC	
National Defence							
ND-1	Comox Airport Zoning Regulations	DC		NTA-4	Air Fares for Attendants of Persons with Disabilities in Large Aircraft	25/09/93 C	
ND-2	Moose Jaw Airport Zoning Regulations	DC		NTA-5	Terms and Conditions of Carriage of Persons with Disabilities in Small Aircraft	C	
ND-3	Orders in Council Pursuant to Paragraphs 9(c) and (d) of the Emergency Preparedness Act	R		NTA-6	Accessibility Standards - Persons with Disabilities Transportation Equipment		
ND-4	Canadian Forces Superannuation Regulations Sections 57 to 75 Sections 11 to 13	R J			Air	JC	
National Energy Board					Rail	JC	
NEB-1	Cost Recovery Regulations	C			Marine	C	
NEB-2	Rules of Practice and Procedure	J		NTA-7	Accessibility Standards - Persons with Disabilities - Training of Transportation Personnel	SOR/94-42	
NEB-3	Onshore Pipeline Regulations	C		NTA-8	Terms and Conditions of Carriage by Rail of Persons with Disabilities	C	
NEB-4	Regulations Pertaining to Crossings Involving International Power Lines	J		NTA-9	Terms and Conditions of Carriage of Persons with Disabilities by Marine Services Subject to Federal Jurisdiction	C	
NEB-5	Electricity Regulations	J		NTA-10	Air Transportation - International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules	DCJ	
NEB-6	Toll Information Regulations	C					
NEB-7	Pipeline Crossing Regulations, Parts I and II	C		NTA-11	Northern Marine Resupply Services - Reporting	DC	
NEB-8	Part VI Regulations	J		NTA-12	Railway Advance Payment - Amendments	C	
NEB-9	Export and Import Reporting Regulations	J		NTA-13	Railway Costing Regulations	C	
National Transportation Agency of Canada							
NTA-1	Air Transportation - Insurance Provisions	C					



Initiatives		Status	Initiatives		Status
NTA-14	Annual Rate Scale Order for Western Grain, 1994-95	SOR/94-330 R SOR/94-485	NRCan-4	Petroleum Occupational Safety and Health - Newfoundland	J
NTA-15	Railway Interswitching Rate Scale (1995): adjustment	SOR/93-614 R	NRCan-5	Petroleum Occupational Safety and Health - Nova Scotia	J
NTA-16	Reduction of Passenger Train Service Regulations: Revocation	SOR/94-379	NRCan-6	Canada Oil and Gas Geophysical	11/06/94
NTA-17	Baggage Car Traffic Regulations: Amendment	DC	NRCan-7	Newfoundland Offshore Area Petroleum Geophysical	26/03/94
NTA-18	Water Carrier Free and Reduced Rate Transp Regs: Revocation	SOR/94-379	NRCan-8	Nova Scotia Offshore Area Petroleum Geophysical	26/03/94
NTA-19	Conditions on Passes Approval Order: Revocation	DC	NRCan-9	Canada Certificate of Fitness	14/05/94
NTA-20	Water Carriers Freight Tariff Order: Revocation	SOR/94-379	NRCan-10	Newfoundland Certificate of Fitness	19/02/94
NTA-21	Railway Passenger Tariff Regulations: Amendment	C	NRCan-11	Nova Scotia Certificate of Fitness	19/02/94
NTA-22	Railway Additional Toll Regulations	J	NRCan-12	Canada Oil and Gas Production and Conservation - Amendments	14/05/94
NTA-23	Freight for Flag Stations Consignment Regulations	SOR/94-379	NRCan-13	Canada Oil and Gas Drilling - Amendments	14/05/94
NTA-24	Railway Embargoes Regulations	SOR/94-379	NRCan-14	Newfoundland Offshore Area Petroleum Drilling - Amendments	19/02/94
NTA-25	Non-Passenger Car Travelling Release Form Order	SOR/94-379	NRCan-15	Nova Scotia Offshore Area Petroleum Drilling - Amendments	19/02/94
NTA-26	Free and Reduced Rate Transportation Regulations	DC	NRCan-16	Canada Oil and Gas Diving - Amendments	14/05/94
NTA-27	Railway Free and Reduced Rate Transportation Regs	DC	NRCan-17	Newfoundland Offshore Area Petroleum Diving - Amendments	19/02/94
<b>Natural Resources Canada</b>			NRCan-18	Nova Scotia Offshore Area Petroleum Diving	29/01/94
NRCan-1	Canada Oil and Gas Installations	14/05/94	NRCan-19	Nova Scotia Offshore Area Petroleum Diving - Amendments	C
NRCan-2	Newfoundland Offshore Area Petroleum Installations	19/02/94	NRCan-20	Newfoundland Offshore Area Petroleum Production and Conservation	07/05/94
NRCan-3	Nova Scotia Offshore Area Petroleum Installations	19/02/94	NRCan-21	Nova Scotia Offshore Area Petroleum Production and Conservation	07/05/94

Initiatives		Status	Initiatives		Status
NRCan-22	Frontier Lands Petroleum Land Division and Survey	C	NRCan-40	Nova Scotia Environmental Assessment	C
NRCan-23	Newfoundland Offshore Area Petroleum Land Division and Survey	C	NRCan-41	Canada Oil and Gas Land	C
NRCan-24	Nova Scotia Offshore Area Petroleum Land Division and Survey	C	NRCan-42	Energy Monitoring	X
NRCan-25	Nova Scotia Offshore Area Petroleum Spills and Debris Liability	C	NRCan-43	Energy Efficiency Standards	C
NRCan-26	Nova Scotia Resources (Ventures) Limited Drilling Assistance	SOR/94-168	NRCan-44	Energuide	C
NRCan-27	Frontier Lands Registration - Amendments	C	NRCan-45	Modernization of Explosives Regulations	C
NRCan-28	Newfoundland Offshore Area Registration - Amendments	C	NRCan-46	Certificate for the Safe Use of High Level Display Fireworks: Fee	N
NRCan-29	Nova Scotia Offshore Petroleum Registration	C	NRCan-47	Certificate for the Use of Theatrical Explosives: Fee	N
NRCan-30	Canada Oil and Gas Operations - Amendments	C	NRCan-48	Declaration of an Authorized Explosive: Fee	N
NRCan-31	Newfoundland Offshore Area Petroleum Operations - Amendments	C	<b>Office of the Chief Electoral Officer</b>		
NRCan-32	Nova Scotia Offshore Area Petroleum Operations	C	CEO-1	Tariffs of Fees	RD
NRCan-33	Environmental Studies Research Fund Regions - Amendments	C	<b>Office of the Superintendent of Financial Institutions</b>		
NRCan-34	Offshore Installation Manager	C	OSFI-1	Financial Sector Reform	
NRCan-35	Newfoundland Offshore Area Installation Manager	C	<p>The following initiatives are listed by subject matter. In some cases, they may apply to more than one type of institution (bank, trust and loan company, insurance company, cooperative credit association). In the case of Regulations under the Insurance Companies Act, they may apply to more than one type of company (life, property and casualty, foreign, provincial) or to a fraternal benefit society. In these cases, more than one Regulation will be required in respect of the initiative. The number indicated in parentheses after each of the following initiatives represents the total number of Regulations which will be required under that initiative.</p>		
NRCan-36	Nova Scotia Offshore Area Installation Manager	C			
NRCan-37	Canada Oil and Spill and Debris Liability - Amendments	C			
NRCan-38	Newfoundland Oil and Spills and Debris Liability - Amendments	C			
NRCan-39	Newfoundland Environmental Assessment	C			
			Form of proxy (4)	CJN	
			Insider reports (4)	CJN	
			Exempt debt obligations transactions (1)	SOR/94-66	
			Insurance activities (1)	CJN	
			Credit information (1)	CJN	
			Form, content and distribution of prospectus (4)	CJN	
			Prospectus exemptions (4)	SOR/94-73 to SOR/94-76	

Initiatives	Status	Initiatives	Status	
Restrictions on in-house investment counselling and portfolio management activities (4)	CN	OSFI-4	Investment Valuation Rules - Determination of Market Value and Accounting for Substantial Investments	CN
Minority investments (4)	SOR/94-69 to SOR/94-72	OSFI-5	Investment Valuation Rules for Canadian Life Insurance Companies - Capital Gains Treatment on Realization of Security and Appropriation of Capital	CN
Real property interests (4)	SOR/94-533 to SOR/94-536			
Related parties transactions securities trading (4)	CN			
tax allocations (2)	CN			
Equity valuation (fraternal benefit societies) (1)	SOR/94-65	OSFI-6	Financial Institutions Legislation - Regulatory Orders	R
Protection of assets (5)	SOR/94-77 to SOR/94-81			
Investments by foreign companies (1)	SOR/94-68	OSFI-7	Supervision of Financial Institutions - Miscellaneous	R
Miscellaneous amendments to existing regulations (12)	SOR/94-63 SOR/94-64 SOR/94-67 SOR/94-82			
OSFI-2	Pension Benefits Standards	Public Works and Government Services Canada		
	Designated provinces	PWGS-1	Esquimalt Graving Dock - Amendment to regulations	J
	Funding of pension plans	PWGS-2	Municipal Grants Regulations	N
	Non-resident plan members	PWGS-3	Seized Property Management Act; New Regulations	J
	Exemption of benefits in excess of the Income Tax limits from application of the Act	PWGS-4	Lot 487, Ward 4, (City of Hull) Leasing Regulations Revocation	J
	Exemption from joint and survivor form of pension	PWGS-5	Change to Regulations to refer to the Public Works and Government Services Act	D
	Life income funds			
	Application of the Act to Cape Breton Development Corporation (CBDC)			
	Custodial agreements and securities depositories			
	Change to the minimum death benefit payable to surviving spouses under annuity contracts serving as portability options	Revenu Canada		
	Transfer values	RC-1	Electronic Data Interchange	N
	Distribution of assets from wound-up plans	RC-2	Optical Disc Technology	N
		RC-3	Record-keeping requirements	N
OSFI-3	Assessment of Expenses Against Supervised Financial Institutions	RC-4	Accounting for Imported Goods and Payment of Duties Regulations	C



Initiatives		Status	Initiatives		Status
RC-5	Coasting Trade (Customs) Regulations	N	RC-23	Excise Warehousing Departmental Regulations	C
RC-6	Customs Sufferance Warehouse Regulations maximum term of seven years	04/06/94 X	RC-24	Manufacturers in Bond Regulations	C
RC-7	Customs Sufferance Warehouse Regulations : Refusal of Goods	N	RC-25	Manufacturers in Bond Departmental Regulations	C
RC-8	Drawback Claim Remission Order	R SI/94-25	RC-26	Specially Denatured Alcohol (Domestic) Regulations	C
RC-9	Duties Relief Regulations	C	RC-27	Tobacco Regulations	C
RC-10	Importation of Motor Vehicle Parts (Codes 2480 and 2485) Regulations	X	RC-28	Tobacco Departmental Regulations	SOR/94-274 C
RC-11	Regulations Concerning the Non-Resident Customs Accounting Program	C	RC-29	Omnibus Amendment Order	C
RC-12	Remission Orders Concerning Charitable Goods and Official Uniform Dress of Militia	C	RC-30	Omnibus Revocation Order	N
RC-13	Reporting of Imported Mail and Courier Items	N	RC-31	General Excise and Sales Tax Regulations	C
RC-14	Temporary Importation Remission Orders	SIs/94-96 to 98 R	RC-32	Gasoline and Aviation Gasoline Excise Tax Application Regulations	C
RC-15	Used Motor Vehicle Exemption Regulations	R	RC-33	Gasoline and Aviation Gasoline Excise Tax Regulations	C
RC-16	Duty Free Shop Regulations	N	RC-34	Small Manufacturers or Producers Exemption Regulations	C
RC-17	Brewery Regulations	C	RC-35	Income Tax Regulations	SOR/94-302 SOR/94-395 CR
RC-18	Brewery Departmental Regulations	C	RC-36	Canada Pension Plan Regulations	SOR/94-173 RC
RC-19	Departmental Alcohol Determination Regulations	NJ	RC-37	Unemployment Insurance - Collection of Premiums	SOR/94-238 RC
RC-20	Distillery Regulations	SOR/93-605 C	RC-38	Advance Taxation Ruling Fees Order	R
RC-21	Distillery Departmental Regulations	SOR/93-583 SOR/94-323 C	RC-39	Taxation Statistical Analyses and Data Processing Services Fees Order	R
RC-22	Excise Warehousing Regulations	C	RC-40	Registered Charities Information Return Fee Order	R

Initiatives		Status	Initiatives		Status
RC-41	Revenue Canada Fee Order for the Registration of Charitable Organizations	X	CSC-3	Urinalysis	X
RC-42	Revenue Canada Taxation Technical Publication Subscription Service Fees Order	R	CSC-4	Interception of Inmate Communications	CJ
RC-43	Specimen Plan and Registered Investment Examination Fee Order	X	CSC-5	Allowances to Released Offenders	CJ
RC-44	Revenue Canada Electronic Bulletin Board Fee Order	X	CSC-6	Payment of Accidental Injury Compensation to Inmates or Former Inmates	CJ
RC-45	Tobacco Related Amendments: Customs and Excise Legislation	N	CSC-7	Searches of Inmates	CJ
RC-46	Amendments to Regulations and Orders Pursuant to Customs, Excise and Taxation Legislation	R	<b>National Parole Board</b>		
RC-47	Delegation of Minister of National Revenue's Powers and Duties	R SOR/94-495	NPB-1	Conditional Release and Detention Regulations: Hearing Requirements	C
RC-48	Miscellaneous Amendments (Standing Joint Committee for the Scrutiny of Regulations)	R SOR/94-371 04/06/94	NPB-2	Conditional Release and Detention Regulations: Voting Requirements	C
RC-49	Remissions under Customs, Excise or Taxation Legislation	R SOR's/94-172, 174, 271, 336, 354, 396, 480, 481, 495 SI/94-76	NPB-3	Designation of Penitentiaries Regulation: Additions	C
<b>Solicitor General Canada</b>			<b>Royal Canadian Mounted Police</b>		
<b>Solicitor General Canada</b>			RCMP-1	RCMP Regulations 1988 - Code of Conduct	C
SGC-1	Transfer of Offenders Act Schedule	R	RCMP-2	Transfer of RCMP Property Regulation	X
SGC-2	Controlled Drugs and Substances Act	24/05/94	RCMP-3	RCMP Regulation 1988 78(2) and 78(3)	X
<b>Correctional Service Canada</b>			RCMP-4	RCMP Regulations 1988 Political Activity	C
CSC-1	Disclosure of Information to Victims	CJ	<b>RCMP External Review Committee</b>		
CSC-2	Classification of Inmates	C	ERC-1	Amendment to the RCMP External Review Committee's Rules of Practice and Procedure	C
			<b>Transport Canada</b>		
			TC-1	Fees for Aviation Regulatory Services	R SOR/94-325
			TC-2	Fees for Marine Regulatory Services	R SORs/94-326, 338-345 SI/94-64

Initiatives		Status	Initiatives		Status
TC-3	Air Services Charges	R SOR/94-324 SOR/94-503	TC-20	Harbour Dues Tariff By-law	R 19/02/94
TC-4	Coast Guard Radio Station Charges	R SOR/94-538 SOR/94-501	TC-21	Montreal and Saint John Port Corporation Administrative By-laws	D
TC-5	Delegation of Authority to Prescribe Coast Guard Radio Station Charges to the Minister of Transport	SI/94-56	TC-22	Vancouver Harbour Dues By-law	DC
TC-6	Delegation of Authority to Prescribe Charges Payable for Plates, Decals, and Other Notices for Pleasure Boats to the Minister of Transport	SI/94-57	TC-23	Montreal Harbour Dues By-law	DC
TC-7	Railway Security Regulations	RC	TC-24	Saint John Tenders and Works Contracts By-law	D
TC-8	Aerodrome Security Regulations	RC	TC-25	Seaway Regulations	DC
TC-9	Air Carrier Security Regulations	RC	TC-26	Airport Vehicle Parking Charges Regulations: Fee Changes	R 06/08/94
TC-10	Designated Provision Regulations	X	TC-27	Airport Ground Transportation Fees Regulations	R SOR/94-404 SI/94-78
TC-11	Air Carrier Provision of Information Regulations	X	TC-28	Airport Traffic Regulations: Administrative Amendments	C
TC-12	Atlantic Region Selective Assistance Regulations	X	TC-29	Aerodromes: Air Regulations, Series III	12/02/94
TC-13	The Prevention of Substance Use in Transportation Regulations	DC	TC-30	General Operating and Flight Regulations: Air Regulations, Part VI	CJ
TC-14	Aviation War Risks Insurance Regulations	C	TC-31	Commercial Air Service Regulations: Air Regulations, Part VII	CJ
TC-15	Basic Westbound Truck Regulations	CJ	TC-32	Bilingual Flight Announcements: Air Navigation Orders, Series VII, Nos. 2, 3 and 6	23/04/94
TC-16	Selective Westbound Regulations	CJ	TC-33	Annual Airworthiness Information Reporting Regulations: Air Regulation 222; Certificate of Airworthiness Order: Air Navigation Order, Series II, No. 4	N
TC-17	Intra Selective Assistance Regulations	CJ			
TC-18	Basic Westbound Rail Regulations	CJ			
TC-19	Railway Passenger Service Contract Regulations	C			



Initiatives		Status	Initiatives		Status
TC-34	Omnibus Amendment: Air Regulations 101, 104, 211, 215, 216, 220, 403, 407, 410, 509, 520, 533, 535, 536, 542, 557, 704, 705, 800, 806, 810, 818; Air Navigation Orders, Series IV No. 2; Series V, Nos. 10 and 22	SOR/94-375 SOR/94-378 SOR/94-381 SOR/94-382	TC-50	Arctic Shipping Pollution Prevention Regulations (ASPPR)	SOR/94-400 27/08/94 C
TC-35	Air Regulations, Series I, Nos. 1, 2 and 3; Series II, Nos. 1, 2, 3 and 4	C	TC-51	Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Response Organization Standard	CJN
TC-36	Airport Zoning Regulations		TC-52	Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Amendment - Oil Handling Facilities Standard	CJN
	SOR's/93-408 to 410, 522 to 524, SOR's/94-119 to 121, 123, 241, 386 et 556				
TC-37	Certification Regulations	CJN	TC-53	Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Amendment - Ship Standard	X
TC-38	Crewing Regulations (Manning Regulations)	CJN			
TC-39	Medical Examination of Seafarers Regulations	CJN	TC-54	Regulations with Respect to the Designation of Oil Handling Facilities	X
TC-40	Life Saving Equipment Regulations	CJN	TC-55	Regulations Prescribing how to make public the Standards under Part XV - Canada Shipping Act that are to be Incorporated by Reference	CJN
TC-41	Ship Station Technical Regulations: VHF	CJN	TC-56	Pollutant Discharge Reporting Regulations	CJN
TC-42	Hull Construction Regulations: Various Amendments	23/07/94	TC-57	Emergency Position Indicating Radiobeacon Regulations (EPIRB)	DJN
TC-43	Declaration of Public Harbour: Cornwall	SOR/94-387	TC-58	Ship Station Technical Regulations (SSTR): Radar Transponders	DJN
TC-44	Public Harbours Regulations: Major Amendments	CDJN	TC-59	Regulations Respecting the Control of Pollution of the Great Lakes Basin by Ballast Water Carried by Ships	X
TC-45	Government Wharves Regulations: Major Amendments	CDJN			
TC-46	Timber Deck Cargo Regulations	DJN			
TC-47	Grain Cargo Regulations	DJN			
TC-48	Boating Restriction Regulations	04/06/94 SOR/94-550			
TC-49	Collision Regulations: Rule 46	16/07/94			

Initiatives		Status	Initiatives		Status
TC-60	Declaration and Designation of Public Port Facilities: Phase I	CJN	TC-75	Laurentian Pilotage Authority Regulations	CJN
TC-61	Nanaimo Harbour Commission General By-law: Harbour Dues Increase	CN	TC-76	Laurentian Pilotage Authority District No. 3 Regulations	CN
TC-62	North Fraser Harbour Commission By-laws	CN	TC-77	Pacific Pilotage Regulations	CN
TC-63	Toronto Harbour Commission: Enforcing a By-law of the Minister of Transport - Unobstructed Airspace for the Landing and Taking off of Aircraft at the Airport	27/08/94	TC-78	Safety Critical Positions	CN
TC-64	Thunder Bay Harbour Commission Operating By-law	DJN	TC-79	Motor Vehicle Safety Regulations: Omnibus Amendments Resulting from Amendments to the Motor Vehicle Safety Act	N
TC-65	Port Alberni Harbour Commission Operating By-laws	CN	TC-80	Motor Vehicle Tire Safety Regulations: Omnibus Amendments Resulting from Amendments to the Motor Vehicle Safety Act	N
TC-66	Windsor Harbour Commission Cargo Rates and Harbour Dues By-law	DN	TC-81	Motor Vehicle Safety Regulations, Standards 1101, 1103 and 1105: Emissions	C
TC-67	Windsor Harbour Wharf By-law: Tariff	DN	TC-82	Motor Vehicle Safety Regulations, Standard 301.2: CNG Fuel System Integrity	11/12/93
TC-68	Toronto Harbour Commissioners' Harbour Square Mooring By-law	DJN	TC-83	Motor Vehicle Safety Regulations, Standard 208: Seat Belt Installations, Crash Protection, Criteria	X
TC-69	Oshawa Harbour Commission By-law: 1994 Marina Tariff	DN	TC-84	Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment	C
TC-70	Hamilton Harbour Commissioners' Land Use and Development By-law	DN	TC-85	Motor Vehicle Passenger Restraint Regulations, Standard C213: "Child Restraint Systems", C213.1: "Infant Restraint Systems", C213.2: "Booster Cushions", and C213.3: "Restraints Systems for Disabled Children and Small Size Adults"	C
TC-71	Toronto Harbour Commissioners: Administrative By-law	X	TC-86	Motor Vehicle Safety Regulations for Incomplete Vehicles	D
TC-72	Atlantic Pilotage Authority Non-compulsory Area Regulations	CN	TC-87	Motor Vehicle Safety Regulations, Standard 205: Glazing Materials	11/06/94 C
TC-73	General Pilotage Regulations	CN			
TC-74	Great Lakes Pilotage Tariff Regulations	SOR/94-509			

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TC-88	Motor Vehicle Safety Regulations, Standards 102, 114 and 118: Transmission Shift Control Sequence, Locking Systems, and Power Operated Window Systems	16/07/94		RCMP survivor benefits	SOR/94-347 SOR/94-348
TC-89	Regulations for the Transportation of Dangerous Commodities by Rail and Transportation of Dangerous Goods Regulations: Revocation and Consequential Amendments	N		Public Service leave without pay	SOR/93-450
TC-90	Transportation of Dangerous Goods Regulations: International Requirements for Intermediate Cost Bulk Containers	C		Correctional Service early retirement	SOR/94-29
TC-91	Transportation of Dangerous Goods Regulations: Drum Reconditioning	C		Public Service survivor benefits	SOR/94-194 SOR/94-278
TC-92	Transportation of Dangerous Goods Regulations: Biomedical Waste	RC SOR/94-264		Public Service part-time employees	SOR/94-483
TC-93	Transportation of Dangerous Goods Regulations: Miscellaneous	SOR/94-146 RC		Public Service technical amendments	SOR/94-539
TC-94	Piggyback Cargo Tanks Regulations and Transportation of Dangerous Goods Regulations: Revocations and Consequential Amendments	DJ		Supplementary Death Benefit	SOR/94-540 SOR/94-541
TC-95	Transportation of Dangerous Goods Regulations: Rail Transport	DJC		Compliance with Income Tax Act	JC
<b>Treasury Board of Canada Secretariat</b>				MPs' survivor benefits	C
TBS-1	Pension Protection	CR	TBS-4	Assignment of Crown Debt Regulations	R
TBS-2	Public Service Superannuation	C	TBS-5	Interest on Overdue Accounts Regulations	C
TBS-3	Public Sector Pension Reform		TBS-6	Security for Debts Due to her Majesty Regulations	C
	Pension Benefits Division	07/06/94	TBS-7	Payment Requisitioning Regulations	C
	Canadian Forces survivor benefits	SOR/94-276 SOR/94-277	TBS-8	Cheque Issue Regulations	C
			TBS-9	Direct Deposit Regulations	C
			TBS-10	Destruction of Paid Instruments Regulations	C
			TBS-11	Receipt and Deposit of Public Money Regulations	C
			TBS-12	Crown Corporation Regulations: Update	C
			<b>Veterans Affairs Canada</b>		
			VAC-1	Veterans Appeal Board Regulations	C
			VAC-2	Veterans Allowance Regulations	C
			VAC-3	Regulations for the Administration of Veterans Benefits	J



Initiatives		Status	Initiatives		Status
VAC-4	Guardianship of Veterans Property Regulations	J			
VAC-5	Veterans Estates Regulations	J			
VAC-6	Children of Deceased Veterans Education Assistance Program	J			
VAC-7	Veterans Treatment Regulations	J			
VAC-8	Gallantry Awards Order	J			
VAC-9	Veterans Burial Regulations	J			
VAC-10	Last Post Fund Program	D			

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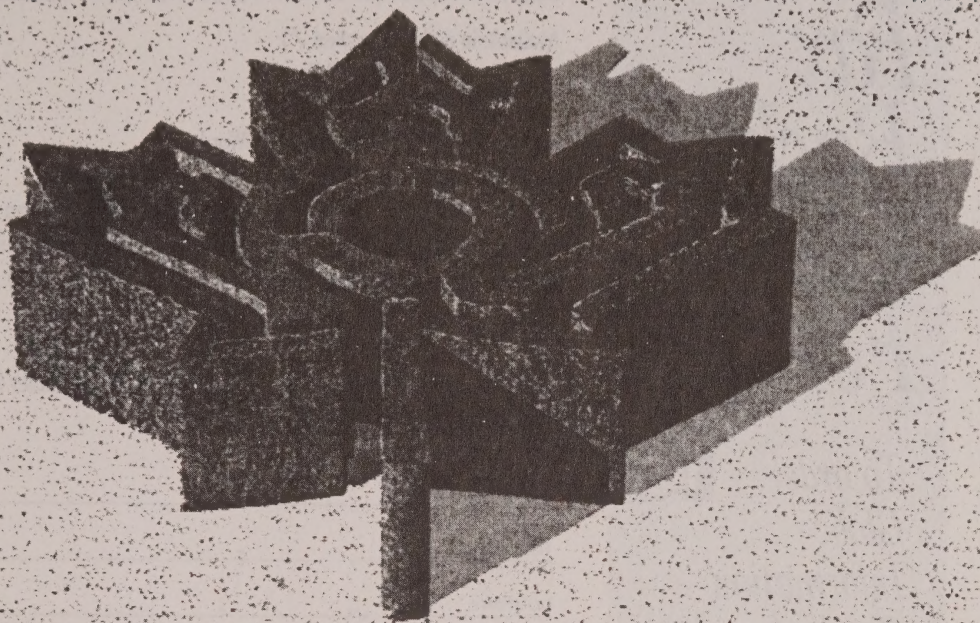








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